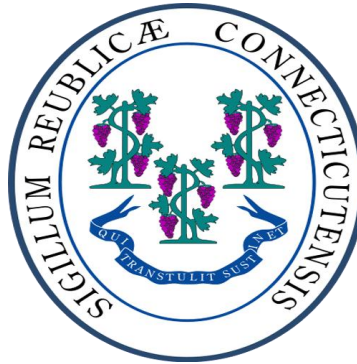


# **FY 2012 Abridged Federal Annual Monitoring and Evaluation (FAME) Report**

Connecticut Occupational Safety and Health Administration (CONN-OSHA)



**Evaluation Period: October 1, 2011 – September 30, 2012**

**Initial Approval Date: January 1, 1975  
Plan Converted to Public Employee Only: October 2, 1978  
Program Certification Date: August 1, 1986**

**Prepared by:  
U. S. Department of Labor  
Occupational Safety and Health Administration  
Region I  
Boston, Massachusetts**



## Contents

I.	Executive Summary .....	3
II.	Major New Issues.....	8
III.	State Progress in Addressing FY 2011 FAME Report Recommendations.....	9
IV.	Assessment of FY 2012 State Performance of Mandated Activities .....	22
	A. Enforcement	
	• Complaints	
	• Fatalities	
	• Targeting and Programmed Inspections	
	• Citations and Penalties	
	• Abatement	
	• Employee and Union Involvement	
	B. Review Procedures	
	• Informal Conferences	
	• Formal Review of Citations	
	C. Standards and Federal Program Changes Adoption	
	• Standards Adoption	
	• Federal Program/State Initiated Changes	
	D. Variances	
	E. Public Employee Program	
	F. Discrimination Program	
	G. Voluntary Compliance Program	
	H. Program Administration	
V.	State Progress in Achieving Annual Performance Goals .....	33
VI.	Other Areas of Note .....	35
Appendix A – New and Continued Findings and Recommendations		
Appendix B – Observations Subject to Continued Monitoring		
Appendix C – Status of FY 2011 Findings and Recommendations		
Appendix D – FY 2012 State Activity Mandated Measures (SAMM) Report		
Appendix E – FY 2012 State OSHA Annual Report (SOAR) – Available Separately		

## I. Executive Summary

### A. Introduction

This report was prepared in accordance with the guidance issued by OSHA's Directorate of Cooperative and State Programs (DCSP) on December 11, 2012. Its main purpose is to assess the Connecticut Occupational Safety and Health Administration's (CONN-OSHA) responses to the recommendations in the FY 2011 comprehensive Federal Annual Monitoring Evaluation (FAME) report and also the State's progress in achieving the actions specified in its Corrective Action Plan (CAP).

According to DCSP's guidance, onsite case file reviews were neither required nor prohibited. For this report, Region I chose to defer the onsite case file review for one more year when a comprehensive onsite evaluation will be conducted for the FY 2013 FAME. In the meantime, through quarterly monitoring and frequent contact with CONN-OSHA's managers, Region I will continue to monitor the overall performance of the State and its progress in addressing the performance issues cited in this report.

As discussed in more detail in the FY 2011 FAME, for more than one year, CONN-OSHA did not have a manager for the 23(g) enforcement program, and the CONN-OSHA director was performing the duties of his own position as well as those of the 23(g) manager. As a consequence, some aspects of CONN-OSHA's performance began to decline. For example, CONN-OSHA's complaint and referral response times as measured by the State Activities Mandated Measures (SAMM) report were extremely high as well as its lapse times (for safety and health) from opening conference to citation issue. Over the past few fiscal years, the program has also fallen short of its inspection goals.

In developing its CAP, CONN-OSHA anticipated that once a new 23(g) program manager was appointed (and up and running), he or she would play a significant role in remedying several of the findings cited in the FY 2011 FAME. On August 24, 2012, the State finally appointed Jim Pierce, formerly the manager of the CONN-OSHA 21 (d) consultation project,<sup>1</sup> as the program manager of the 23(g) public-sector-only enforcement program.

Because Jim's appointment came so late in the fiscal year, it did not really impact the program's operations in FY 2012. However, as discussed in more detail in this report, CONN-OSHA did manage to correct some findings before the end of the fiscal year. But some findings did not get resolved before the end of FY 2012 and persist in FY 2013. By early next year, when the comprehensive onsite review is conducted for the FY 2013 FAME, the new manager will have

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<sup>1</sup> John Rosa was promoted to the position of Occupational Safety and Health Manager on August 24, 2012 and became the program's 21(d) manager. Prior to this appointment, John was a consultant in the CONN-OSHA 21(d) project.

had more time to become accustomed to his duties, and to focus on the findings from the FY 2011 FAME that currently remain open, as well as some other concerns brought to light in this report.

## **B. Overview of the Status of CONN-OSHA's Corrective Actions in Response to the FY 2011 FAME Report**

In Section III of this report, the Region assesses the State's progress in addressing each of the 27 findings from the FY 2011 FAME report. Findings are grouped according to their designation as either one of the following: Awaiting Verification, Closed, Completed, Open or Observation.

In this report, Region I designated nine findings as "Awaiting Verification." All but one of these findings are based on issues that the Region identified during the onsite case file review that it conducted for the FY 2011 FAME. Although the State has implemented corrective actions to address each of these findings, it will require another onsite case file review to fully assess the extent to which these findings have been corrected. The finding that the standard for SAMM #2 (Average Number of Days to Initiate a Complaint Investigations) was not met is also "Awaiting Verification." Because the State made significant progress in reducing this average in FY 2012, and may come even closer to meeting the one-day standard in FY 2013, Region I will wait until the end of the current fiscal year to "verify" the extent to which this finding has been corrected.

Four findings have been "Completed" (corrected) in FY 2012: SAMM # 8 (Percent of Programmed Inspections with S/W/R Violations-Health); citing too few violations; going beyond the deadline for emailing responses to the Region for intention to adopt Federal Program Changes (FPCs); and exceeding the 20-day standard for Average Number of Days between Closing Conference and Issuance of the Written Report to the Employer.

As directed in the FY 2012 FAME guidance, data from IMIS reports are to be used for "information purposes" and to "supplement" the SAMM data, rather than as a basis for making independent findings. Therefore, Region I closed three findings that were based *primarily* on data from the IMIS Enforcement Statistics and Inspection Reports. These include the finding that the State's Percentage of Programmed Inspections was too low; the finding that CONN-OSHA's percentages of Inspections with Violations Cited and Inspections Not-in-Compliance (NIC) with Serious Violations were below Federal OSHA's percentages; and the finding that CONN-OSHA cited too few violations as Willful.

Three additional findings were also closed. The finding that some Serious violations were misclassified by the CSHO as Other-than-Serious was closed because it was combined with another finding that also related to violation classification—that the State did not meet the standard in SAMM #9 for Average S/W/R Violations per Inspection with Violations. The finding that CONN-OSHA's public sector consultation program was citing too few hazards was closed because it has been based on data that was inaccurate; and the finding that the State did not meet its goal for public sector consultation visits was no longer warranted because CONN-OSHA achieved 93 percent of its projection in FY 2012.

In this report, Region I determined that six findings have not been corrected, and therefore have been designated as “Open.” For example, CONN-OSHA’s average of 14.12 days in FY 2012 did not meet the 5-day standard in SAMM #1 (Average Number of Days to Initiate a Complaint Inspection). Also, CONN-OSHA’s “lapse times” of 144 days for safety and 150 days for health far exceeded the standards in SAMM #7 for the Number of Calendar Days from the Opening Conference to Citation Issue. The new manager is working with individual CSHOs to improve the program’s performance on these measures, and is also running IMIS reports weekly to monitor citation lapse times. But because CONN-OSHA’s average lapse times have been increasing since FY 2011, Region I has recommended that CONN-OSHA immediately begin to develop additional corrective measures to reduce citation lapse times.

By the end of FY 2012, CONN-OSHA planned to have one of its CSHOs complete all three courses in the Process Safety Management (PSM) training series at the OSHA Training Institute (OTI). OSHA’s PSM directive requires CSHOs to complete this training before they are considered qualified to conduct PSM inspections (either independently or as a team leader). But as of February 2013, this CSHO had completed only two of the three courses. For that reason, Region I has recommended that the CSHO complete the third PSM course by no later than March 31, 2014.

CONN-OSHA also did not meet its annual performance plan goal for the number of inspections to be conducted, and did not work on increasing the number of enforcement-related operations that are evaluated in the State Internal Evaluation Plan (SIEP). As discussed later in this report, two of the three performance elements in CONN-OSHA’s SIEP are related to public sector consultation. But now that a full-time manager is in place, CONN-OSHA is optimistic that it can devote more time to improving its SIEP and also achieve its goal for inspections by the end of this fiscal year.

And finally, after being without a Director of Program Policy (the position that oversees the discrimination program) since 2009, CONN-OSHA still has not filled this vacancy. Over the past four years, the duties of the director have been conducted by its attorneys. However, Region I believes that oversight from a director would alleviate many of the issues identified by the Region in the FY 2011 FAME and continues to recommend strongly that this position be filled.

Region I converted two findings in the FY 2011 FAME to “Observations.” One of these findings was based on a fatality case file that did not contain any field notes. The other finding related to some Alliance files not containing all required documentation. Because Region I found that only one fatality case did not contain field notes, and the fact that the missing Alliance documentation can easily be included in the files, Region I is not formally monitoring these issues, but will make it a point to verify that they have been resolved during the next onsite review for the FY 2013 FAME.

In Section IV of this report—Assessment of FY 2012 State Enforcement Measures—Region I made two new findings. The first is that CONN-OSHA did not meet the standard for SAMM #9 (Average Number of S/W/R Violations per Inspection with Violations). Region I is concerned that not meeting this standard indicates that the State is misclassifying some Serious violations as Other-than-Serious; therefore, CONN-OSHA’s managers should focus on ensuring that CSHOs

properly classify all violations. CONN-OSHA also did not adopt the two OSHA standards that were issued in FY 2012 in a timely manner. Although CONN-OSHA's regulatory review process makes it difficult for the State to complete adoption of standards within the six-month timeframe, Region I recommends that CONN-OSHA strive to come closer to meeting this deadline.

### C. Connecticut State Plan Background

State Designee: **Sharon Palmer, Commissioner of Labor**<sup>2</sup>

**Connecticut Department of Labor**

**200 Folly Brook Boulevard**

**Wethersfield, Connecticut 06109**

Program Manager: **Kenneth Tucker**

Plan approved: **January 1, 1975**

Plan converted to Public Employee Only: **October 2, 1978**

Plan Certified (completion of developmental steps): **August 1, 1986**

Final Approval/18(e) Determination: **N/A for a Public Employee Only (PEO) State Plan**

<i>Funding History</i>						
<b>Fiscal Year</b>	<b>Federal Award (\$)</b>	<b>State Match (\$)</b>	<b>100% State Funds (\$)</b>	<b>Total Funding (\$)</b>	<b>% of State Contribution (\$)</b>	<b>Unmatched / Deobligation/One- Time Only (\$)</b>
<b>2013</b>	650,400	650,400	950,924	2,251,724	71	
<b>2012</b>	650,400	650,400	897,354	2,198,154	70	N/A
<b>2011</b>	650,400	650,400	881,069	2,181,869	70	N/A
<b>2010</b>	650,400	650,400	986,049	2,286,849	72	+\$18,200
<b>2009</b>	603,300	603,300	1,170,783	2,377,383	75	N/A

<i>FY 2012 Covered Workers</i>					
<b>State Gov. Employees</b>	<b>Local Gov. Employees</b>	<b>Volunteer Firefighters</b>	<b>Total Public Sector Employees</b>	<b>Private Sector Employees</b>	<b>Total Employees Covered</b>
70,900	135,200	10,000	206,100	NA	216,100

<sup>2</sup>

Glenn Marshall was Labor Commissioner from October 1, 2011-July 1, 2012; Dennis Murphy was Acting Labor Commissioner from July 2, 2012-October 4, 2012; and Sharon Palmer was appointed Labor Commissioner on October 5, 2012.

<i>FY 2012 Staffing as of September 30, 2012 Full-Time Equivalents (FTEs)</i>	
<b>Position</b>	<b>Percent of Time Allocated to Grant</b>
Director	50
Occupational Safety and Health Manager	50
Occupational Safety and Health Manager	50
Occupational Safety Training Specialist Similar to OSHA Compliance Assistance Specialist	100
Occupational Safety Training Specialist Similar to OSHA Compliance Assistance Specialist	60
Administrative Assistant	50
Fiscal Administrative Officer	15
Occupational Safety Officer	100
Occupational Safety Officer	100
Occupational Safety Officer	100
Occupational Hygienist	100
Occupational Hygienist	100
Occupational Safety Consultant	100
Occupational Health Consultant	100
Occupational Health Consultant	100
Administrative Hearings Attorney	60
Associate Research Analyst	50
Secretary I	50
<b>Total FTEs</b>	<b>13.35</b>

In FY 2012, CONN-OSHA had no Complaints Against State Plan Administration (CASPs) and no activity with regard to variances.

#### **D. Significant Program History**

The Connecticut State Plan as approved in 1975 was a comprehensive State plan covering both the private and public sectors. The plan was converted to a public employee-only program in 1978 as a result of legislative action initiated by the State AFL-CIO. Although not specifically contemplated by the OSH Act, OSHA agreed to approve such a limited State Plan and to develop implementing regulations.

During FY 2012, CONN-OSHA operated with all five compliance safety and health officers (CSHOs), but at the end of the fiscal year one safety CSHO transferred to the CONN-OSHA 21 (d) consultation project. Fortunately, a new CSHO began working for the program the same day that the other CSHO transferred to the private sector consultation project.

In FY 2012, CONN-OSHA did not meet its Annual Performance Plan goal for inspections. The IMIS Inspection Report of October 24, 2012 shows that CONN-OSHA conducted only 151

inspections (92 safety and 59 health) from October 1, 2011 through September 20, 2012. This total represents only 66 percent of CONN-OSHA's FY 2012 goal of 230 inspections.

According to the State OSHA Annual Report (SOAR), Winter Storm Alfred impacted the State in late October 2011, and during the month of November 2011, CSHOs devoted much of their time to conducting interventions related to debris removal work that was being performed by public sector employees. As a result, the State got off to a slow start early in FY 2012 in terms of conducting inspections.

Another factor that the State believes hampered its ability to meet its FY 2012 inspection goal is that two CSHOs who were newly hired in FY 2011 continued to face a learning curve in FY 2012, and were not able to conduct the number of inspections that the State had anticipated when it developed its Annual Performance Plan. In FY 2012, these two new hires devoted a significant portion of their time to training and getting up to speed by shadowing senior CSHOs on inspections.

In terms of public consultation visits, CONN-OSHA met 93 percent of its goal by conducting 121 visits of 130 projected. CONN-OSHA's consultants also devoted a considerable amount of their time to providing assistance to disaster recovery efforts in the first quarter of FY 2012. CONN-OSHA also notes that fewer inspections conducted in FY 2012 resulted in fewer opportunities for the program to promote consultation during informal conferences, and this also caused the program to fall short of its goal for consultation visits.

According to the CONN-OSHA SOAR, the State's overall performance declined over the past few years because the CONN-OSHA 23(g) program did not have a full-time manager in place who could properly supervise field staff. However, CONN-OSHA was able to correct some of the findings that were identified in the FY 2011 FAME, even though the new full-time manager was not appointed until late in the fiscal year. Some problems continue to persist, such as unsatisfactory complaint and referral response times and extremely high lapse times for issuing citations. In FY 2013, CONN-OSHA should make correcting these issues—and other persistent problem areas—a top priority.

## II. Major New Issues

No major new issues were identified by the Region in FY 2012.



### III. State Progress in Addressing FY 2011 FAME Report Recommendations

The following is an analysis of State's progress with respect to its FY 2012 CAP. These findings are grouped according to their designation as either one of the following: Awaiting Verification, Closed, Completed, Open or Observation.

#### **THE FOLLOWING FY 2011 FAME FINDINGS ARE AWAITING VERIFICATION:**

**Finding #11-2: Average Number of Days to Initiate Complaint Investigations (SAMM#2)-** With an average of 9.83 days, CONN-OSHA did not meet the one-day standard for this measure.

**Recommendation #11-2:** Meet the one-day standard for average number of days to initiate complaint investigations (SAMM #2) by the end of FY 2012.

**Corrective Action:** The new full-time manager will ensure that the program handles complaint investigations timely and efficiently. The new program manager will monitor complaint and referral response times by running the SAMM monthly and running IMIS complaint tracking reports weekly. He will also ensure that complaints are investigated within one day.

**State Action Taken:** This action has been implemented; however, CONN-OSHA concluded FY 2012 with an average of 4.60 days for this measure. Although this is a substantial improvement over its FY 2011 average of 9.83 days, CONN-OSHA should work to decrease the number of days it takes to initiate complaint investigations.

**Finding #12-1 (formerly #11-2): Average Number of Days to Initiate Complaint Investigations-CONN-OSHA's average of 4.60 days did not meet the one-day standard for this measure.**

**Recommendation #12-1: In FY 2013, CONN-OSHA should reduce the number of days to initiate complaint investigations and meet the one-day standard for SAMM #2.**

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**Finding #11-3: Fatality Investigation**—CONN-OSHA did not adequately document incident data, such as the physical layout of the worksite, and sketches/drawings and measurements, etc., in accordance with Chapter 11 of OSHA's Field Operations Manual (FOM) Section II, E. In the same case, the program did not adequately document equipment or process involved (i.e., personal protective equipment that the victim was using at the time the incident occurred).

**Recommendation #11-3:** FY 2012 fatality case files will reflect that CONN-OSHA is adhering to the requirements in Chapter 11 of the FOM for fatality investigations.

**Corrective Action:** CONN-OSHA has hired a full-time manager who will ensure that CSHOs follow all FOM procedures for fatality investigations. Although CONN-OSHA disagrees with this finding, the new manager will review all fatality case files to ensure that they include documentation required by the FOM. CONN-OSHA will continue to follow the case file documentation requirements for fatalities in accordance with the FOM, and CSHOs have been directed to include the required documentation in all fatality case files.

**State Action Taken:** CONN-OSHA's corrective actions for this finding have been implemented.

**Finding #12-2 (formerly #11-3): Fatality Investigations—Same as Finding #11-03.**

**Recommendation #12-2: CONN-OSHA should adhere to the requirements in Chapter 11 of the FOM for fatality investigations, and ensure that fatality case files include all required documentation (such as incident data and descriptions of equipment and processes, etc.).**

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**Finding #11-13: Discrimination Case Files-**Case files were not organized in any consistent fashion.

**Recommendation #11-13:** CONN-OSHA should adopt the case file organization standards as outlined in the Federal Whistleblower Investigations Manual (Chapters 3 and 5). All investigators need to follow this format and investigators should be trained to adhere to these new standards. This will also facilitate oversight of CONN-OSHA's program in the future.

**Corrective Action:** Because of the mediation and hearing aspects of Connecticut's procedures, there may be two files per Complainant. Connecticut will endeavor to follow the format outlined in the Federal Whistleblower Investigations Manual. The senior attorneys who conduct the majority of the mediations and hearings for CONN-OSHA Whistleblower cases have been advised regarding this and, should other attorneys within the office be assigned a hearing on a Whistleblower case, Program Policy will ensure that proper training is conducted.

**State Action Taken:** According to the CAP, these corrective actions have been implemented and are completed. Region I will assess CONN-OSHA's progress in correcting this finding during the FY 2013 comprehensive onsite case file review.

**Finding #12-3 (formerly # 11-13): Same as Finding #11-13.**

**Recommendation #12-3: Same as Recommendation #11-13.**

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**Finding #11-14: Discrimination Case Files-**The Activity Log is handwritten and mostly illegible. This is a problematic because CONN-OSHA does not conduct an investigation, nor does it submit an investigative report. Therefore, the only reference to what actually occurred in the case is the Activity Log.

**Recommendation #11-14:** For all discrimination cases open in FY 2012 and going forward, CONN-OSHA must ensure that investigators' notes are legible. The activity log should be placed in a separate tab. This will aid in the organization of the case file, and make any Freedom of Information Act (FOIA) requests more manageable.

**Corrective Action:** Connecticut will ensure that all case notes are legible.

**State Action Taken:** According to the CAP, these corrective actions have been implemented and are ongoing. Region I will assess CONN-OSHA's progress in correcting this finding during the FY 2013 comprehensive onsite case file review.

**Finding #12-4 (formerly #11-14): Same as Finding #11-14.**

**Recommendation #12-4: Same as Recommendation #11-14.**

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**Finding # 11-15: Discrimination Case Files**—Investigators do not submit an Investigative Report. Because there is no summation of what occurred during the course of the mediation and/or hearing, it is difficult for a reviewer to evaluate the process and the outcome. None of the case files included determination letters.

**Recommendation #11-15:** For all discrimination cases open in FY 2012 and going forward, CONN-OSHA should write a Memo to File for each case to be retained in the case file, explaining the Complainant's allegations, the Respondent's defense, and the determination and reasoning for all settlements and/or dismissals.

**Corrective Action:** Connecticut will draft a memo to the file upon completion of mediation proceedings, and, if applicable, a separate memo upon completion of administrative hearing procedures.

**State Action Taken:** According to the CAP, these corrective actions have been implemented and are ongoing. Region I will assess CONN-OSHA's progress in correcting this finding during the FY 2013 comprehensive onsite case file review.

**Finding #12-5 (formerly #11-15): Same as Finding #11-15.**

**Recommendation #12-5: Same as Recommendation #11-15.**

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**Finding #11-16: Discrimination Case Files**—CONN-OSHA's classification of settled cases in IMIS is incorrect. Currently, CONN-OSHA considers cases that are settled without its participation as "settled" when in fact these cases should be classified as "settled other." Conversely, CONN-OSHA designates cases that are settled during its mediation and/or hearing process as "settled other" when they should be classified as "settled."

**Recommendation #11-16:** For all discrimination cases opened in FY 2012 and going forward, CONN-OSHA must adopt the same criteria for classifying settlement agreements in IMIS as Federal OSHA uses. Cases that are settled during the mediation and/or hearing process should be classified as "settled," while cases that are settled between the parties without CONN-OSHA's participation (i.e., during a grievance process, other agency process, private attorney), should be classified as "settled other."

**Corrective Action:** Connecticut will address this in future cases when inputting information into IMIS.

**State Action Taken:** According to the CAP, these corrective actions have been implemented and are ongoing. Region I will assess CONN-OSHA's progress in correcting this finding during the FY 2013 comprehensive onsite case file review.

**Finding #12-6 (formerly #11-16): Same as Finding #11-16**

**Recommendation #12-6: Same as Recommendation #11-16**

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**Finding #11-17: Discrimination Case Files**—In cases that were classified as “settled other,” there is no indication that CONN-OSHA reviewed the settlement agreement using the appropriate criteria. The files do not contain any information related to review of settlement agreements.

**Recommendation #11-17:** For all discrimination cases opened in FY 2012 and going forward, CONN-OSHA should document that it has reviewed “settled other” determinations to ensure that there is nothing contrary to the Act is involved

**Corrective Action:** Connecticut will strive to adopt this process.

**State Action Taken:** According to the CAP, these corrective actions have been implemented and are ongoing. Region I will assess CONN-OSHA's progress in correcting this finding during the FY 2013 comprehensive onsite case file review.

**Finding #12-7 (formerly #11-17): Same as Finding #11-17.**

**Recommendation #12-7: Same as Recommendation #11-17.**

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**Finding #11-18: Discrimination Case Files**—Settlement agreements were not included in the case file.

**Recommendation #11-18:** For all discrimination cases opened in FY 2012 and going forward, settlement agreements and determination letters must be retained in the case file.

**Corrective Action:** This process was discussed with OSHA earlier in the year when federal OSHA Whistleblower training was conducted at the Connecticut Department of Labor. At that point, it was discussed that Connecticut would reference in the file that the State would strive to review the “settled other” agreement to ensure that no provisions were contained in the agreement that were repugnant to the Act. Obtaining the agreement could at times be problematic since parties settling outside of the Agency may not be willing, and are not required under Connecticut law, to provide a copy of the agreement when Connecticut is not a party to the agreement. Connecticut will follow-up on this aspect of the FAME with OSHA's Regional Office.

**State Action Taken:** According to the CAP, these corrective actions have been implemented and are completed. However, because the Region did not do a review of CONN-OSHA's case files, the corrective action with respect to including settlement agreements in the case file has not been verified.

**Finding #12-8 (formerly # 11-18): Same as Finding #11-18.**

**Recommendation #12-8: Same as Recommendation #11-18.**

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**Finding #11-19: Discrimination Case Files**—The average lapse time for the three cases reviewed is 371 days, compared to the national average of 185 days for the same time period.

**Recommendation #11-19:** For all discrimination cases opened in FY 2012 and going forward, investigators should monitor pending open cases more closely to ensure that the cases are not neglected. CONN-OSHA explained that its two currently pending cases remain open at the request of the complainants, who are awaiting results of other agency investigations or the grievance processes. CONN-OSHA explained that hearings will be scheduled soon for each case.

**Corrective Action:** Connecticut continues its current practice of monitoring cases to ensure the cases are not neglected. Cases have been postponed for lengthy periods of time at the request of the Complainant to facilitate global settlements when Complainants have parallel processes in other agencies, however Connecticut will be striving to reduce the continued, lengthy requests and refer to hearing more expeditiously. Both of the above-referenced cases have been scheduled for hearing in October and November of this year.

**State Action Taken:** According to the CAP, these corrective actions have been implemented and are ongoing. However, because the Region did not do a review of CONN-OSHA's case files, the corrective action with respect to monitoring of open cases and reducing lapse times has not been verified and no information has been provided as to whether cases have been referred to hearing more quickly.

**Finding #12-9 (formerly #11-19): Same as Finding #11-19.**

**Recommendation #12-9: Same as Recommendation #11-19.**

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#### **THE FOLLOWING FY 2011 FAME FINDINGS WERE *COMPLETED*:**

**Finding #11-7: Percent of Programmed Inspections with S/W/R Violations (SAMM #8)**—CONN-OSHA did not meet the national standard for health inspections for SAMM #8.

**Recommendation #11-7:** CONN-OSHA must meet the standard in SAMM #8 by the end of FY 2012.

**Corrective Action:** The new full-time program manager will strive to assign more programmed inspections. This should increase the total number of violations cited and also the percentage of violations cited as Serious.

**State Action Taken:** In FY 2012, CONN-OSHA successfully increased the number of programmed inspections, as discussed under Finding #11-5. CONN-OSHA also performed

better than the standards in SAMM #8 for both safety and health inspections. Therefore, this finding has been deemed completed.

<b>SAMM #8</b> <b>Percent of Programmed Inspections with S/W/R Violations</b> <b>FY 2012 Results</b>		
	<b>CONN-OSHA</b>	<b>National Data Standard (3 yrs.)</b>
<b>Safety</b>	67.31	58.5
<b>Health</b>	66.67	53.0

**Finding #11-9: Citations and Penalties**—CONN-OSHA's total number of violations cited in FY 2011 was too low.

**Recommendation #11-9:** CONN-OSHA must increase the number of violations cited in FY 2012, and the number of violations cited as Serious.

**Corrective Action:** The new full-time program manager will strive to assign more programmed inspections. This should increase the total number of violations cited as well as the percentage of violations cited as Serious.

**State Action Taken:** Region I has deemed this finding completed because CONN-OSHA has implemented the corrective action described above and data indicates that CONN-OSHA's number of violations cited is definitely on the upswing.

As discussed under Finding #11-5, CONN-OSHA increased its percentage of programmed inspections in FY 2012. The IMIS Enforcement Statistics report of February 24, 2012 shows that CONN-OSHA cited 312 Violations in FY 2012 (which is 61 percent more than the total of 194 violations cited in FY 2011). During the first quarter of FY 2013, CONN-OSHA cited 141 violations, which is only 53 fewer than the total number of violations cited in FY 2011.

**Finding #11-12: Standards and Federal Program Changes--** CONN-OSHA was overdue in emailing responses for intention to adopt for some FPCs.

**Recommendation #11-12:** In FY 2012 and going forward, CONN-OSHA will inform Region I of its intent to adopt FPCs in a timely manner.

**Corrective Action:** CONN-OSHA will inform Region I of its intent to adopt FPCs in a timely manner.

**State Action Taken:** In FY 2012 CONN-OSHA informed Region I of its intent to adopt FPCs in a timely manner.

**Finding #11-23: Public Sector Consultation**—For “Average Number of Days between Consultation Closing Conference and Issuance of the Written Report” CONN-OSHA did not meet the 20-day standard for health visits.

**Recommendation #11-23:** CONN-OSHA must meet the standard for health visits by the end of FY 2012.

**Corrective Action:** The new CONN-OSHA manager will continue to reinforce the report turnaround time of 20 days with consultants. The written reports pending measure will be reviewed weekly with all consultants and the timeliness of report issuance will be emphasized.

**State Action Taken:** In FY 2012 CONN-OSHA implemented this corrective action and the finding has been completed. In FY 2012, CONN-OSHA’s average number of days between the closing conference and issuance of the written report for health visits was 17.78 days, which was below the standard average of 20 days.

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**THE FOLLOWING FY 2011 FAME FINDINGS HAVE BEEN CLOSED:**

**Finding #11-5: Programmed inspections**—CONN-OSHA’s percentage for programmed inspections does not closely align with Federal OSHA’s percentage.

**Recommendation #11-5:** CONN-OSHA must align more closely with Federal OSHA’s percentages for programmed inspections and non-programmed inspections by the end of FY 2012.

**Corrective Action:** CONN-OSHA cannot control the number of un-programmed inspections (complaints/referrals) but will work to increase the percentage of programmed inspections conducted. CONN-OSHA will continue to follow the inspection priority guidelines mandated by the FOM.

**State Action Taken:** The correction action described above has been implemented. Region I has closed this finding because it was based solely on IMIS Inspection Report data.

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**Finding #11-6: Inspections with Violations Cited/Inspections NIC with Serious Violations**—CONN-OSHA fell below Federal OSHA’s percentages for inspections with violations cited, and percentage of inspections not-in-compliance with serious violations.

**Recommendation #11-6:** CONN-OSHA must align more closely with Federal OSHA’s percentages for these two indicators by the end of FY 2012.

**Corrective Action:** The new full-time program manager will strive to assign more programmed inspections. This should increase the total number of violations cited as well as the percentage of violations cited as Serious.



**State Action Taken:** The corrective action described above has been implemented. This finding has been closed because it is based primarily on IMIS Enforcement Statistics data.

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**Finding #11-10: Citations and Penalties**—CONN-OSHA is *misclassifying* some Serious violations as Other-than-Serious. This results in CONN-OSHA having a much lower percentage of all violations classified as Serious compared to Federal OSHA.

**Recommendation #11-10:** CONN-OSHA must correctly classify violations so that its percentages for Serious and Other-than-Serious violations align more closely with Federal OSHA's percentages by the end of FY 2012. The CONN-OSHA managers and CSHOs must follow the guidelines in the FOM, Chapter 4, Violations, Section II, when classifying violations.

**Corrective Action:** CONN-OSHA disagrees with the comments that case files have misclassified violations. But going forward, the new manager will review case files to ensure that violations are classified properly.

**State Action Taken:** The corrective action described above has been implemented. During the onsite case file review for the FY 2011 FAME, the Region identified some violations that were classified as Other-than-Serious, when they should have been classified as Serious. Because Region I makes a finding related to violation classification in Section IV of this report (under the discussion of SAMM #9: Average Violations per Inspection with Violations), this finding has been closed to avoid duplication.

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**Finding #11-11: Citations and Penalties**—CONN-OSHA has not classified any violations as Willful (and only one as Repeat) since at least FY 2005.

**Recommendation #11-11:** CONN-OSHA must align more closely with Federal OSHA's percentages for Willful (and Repeat) violations by the end of FY 2012. By the end of the third quarter, the CONN-OSHA manager should have a meeting with its CSHOs to explain the reasoning behind the use of Willful violations.

**Corrective Action:** A meeting was held with all CSHOs during the last week of August 2012 to explain the reasoning behind the use of Willful violations (CONN-OSHA issued four Willful and no repeat violations in FY 2012).

**State Action Taken:** The correction action described above has been implemented. Region I has closed this finding because it was based on IMIS Inspection Report data. Region I has evaluated CONN-OSHA's performance with respect to S/W/R violations under SAMM #8—(Percent of Programmed Inspections with S/W/R Violations) and SAMM #9 (Average Violations per Inspection with Violations) in Section IV of this report.

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**Finding #11-22: Public Sector Consultation**—CONN-OSHA's public sector consultation program did not perform adequately in terms of identifying serious hazards in FY 2011, having identified 65, or only 14 percent of the total number of serious hazards that the program identified five years ago (in FY 2007).



**Recommendation #11-12:** CONN-OSHA must increase the number of hazards identified in FY 2012.

**Corrective Action:** CONN-OSHA took no corrective action with regard to this finding, because the total reported by the Region in the finding was inaccurate. In FY 2011, CONN-OSHA actually identified 237 Serious hazards, which was an increase of 30 percent over the FY 2010 total number of Serious hazards identified. As of the end of the fourth quarter of FY 2012, CONN-OSHA had identified 253 Serious hazards, according to the Mandated Activities Report for Consultation (MARC), which was run on October 23, 2012. Therefore, this finding is closed.

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**Finding #11-27: Annual Performance Plan-**CONN-OSHA did not meet its annual goal for public sector consultation visits in FY 2011.

**Recommendation #11-27:** In FY 2012, CONN-OSHA must meet its goal for public sector consultation visits.

**Corrective Action:** As of August 24, 2012, a full-time manager is now in place and will closely monitor the activities of field staff. CONN-OSHA expects to meet projected goals in the future.

**State Action Taken:** CONN-OSHA hired a new manager in August 2012, but because this appointment was so late in the fiscal year, the new manager really had no significant impact on the operations of the program in FY 2012. Nonetheless, CONN-OSHA met 93 percent of its goal by conducting 121 visits of 130 projected in FY 2012. Consultants fell behind in visits early in the fiscal year because emphasis was placed on conducting interventions, rather than visits, in the aftermath of a severe storm. Given these circumstances and the percentage of visits conducted, a finding is not warranted.

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#### **THE FOLLOWING FY 2011 FAME FINDINGS ARE OPEN:**

**Finding #11-1: Complaint and Referral Response (SAMM#1)-**CONN-OSHA did not meet the five-day standard.

**Recommendation #11-1:** Meet the five-day standard for average number of days to initiate a complaint inspection (SAMM#1) by the end of FY 2012.

**Corrective Action:** CONN-OSHA has hired a full-time manager who will ensure that the program handles complaint and referral responses timely and efficiently. The new program manager will closely monitor complaint and referral response times by running the SAMM monthly and running IMIS complaint tracking reports weekly. The manager will ensure that complaints are initiated within five days.

**State Action Taken:** This action has been implemented; however, CONN-OSHA concluded FY 2012 with an average of 14.12 days. As of the end of the first quarter of FY 2013, CONN-OSHA's average for this measure had improved to 9.20 days.

**Finding #12-10 (formerly #11-1): Same as Finding #11-1.**

**Recommendation #12-10: Meet the five-day standard for average number of days to initiate a complaint inspection (SAMM#1) by the end of FY 2013.**

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**Finding #11-8: Citations and Penalties**—CONN-OSHA's lapse times from inspection to citation issuance do not compare favorably to Federal OSHA's lapse times and do not meet the standard for SAMM #7.

**Recommendation #11-8:** By the end of FY 2012, CONN-OSHA must decrease its lapse time from inspection to citation issuance to align more closely with Federal OSHA's lapse time and to meet the standard for SAMM #7.

**Corrective Action:** CONN-OSHA has hired a full-time manager who will improve lapse times for safety and health. The manager will meet individually with each CSHO to reinforce compliance with this measure. The citations pending report will be run and monitored on a weekly basis.

**State Action Taken:** This action has been implemented; however, as discussed in more detail in Section IV of this report, CONN-OSHA's average lapse times for both safety and health increased from FY 2011 to FY 2012, and CONN-OSHA's averages increased even more during the first quarter of FY 2013, with averages of 154.24 days and 151.21 days respectively.

**Finding #12-11 (formerly #11-8): Citations and Penalties-For SAMM #7, CONN-OSHA concluded FY 2012 with an average of 144.35 days for safety inspections and 150.10 days for health inspections. These averages were more than double the national data standards for these measures.**

**Recommendation #12-11: In FY 2013, CONN-OSHA should reduce the time it takes to issue citations. Because CONN-OSHA's lapse time averages have been on the rise since FY 2011, additional corrective actions should be developed and implemented by the State as soon as possible. SAMM #7 is included in the FY 2013 SAMM for information purposes only. In FY 2013, CONN-OSHA should align more closely with the standards in SAMM #23 (Average Lapse Time from Last Date On-Site—for safety and health).**

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**Finding # 11-20: Discrimination Case Files**—CONN-OSHA's Whistleblower Program has been without a supervisor for three years.

**Recommendation # 11-20:** CONN-OSHA should include a supervisory position for its Whistleblower Protection Program. Program oversight would alleviate many of the issues raised in this review.

**Corrective Action:** CONN-OSHA's Whistleblower Program is processed through the Connecticut Labor Department's Office of Program Policy. Although the unit has been without a Director for several years, senior attorneys involved with the process prior to the Director's retirement remain involved in the program at the current time. During this interim period, Connecticut has availed itself of the assistance of OSHA's Regional Office and greatly appreciates that office's suggestions.

**State Action Taken:** According to the CAP, these corrective actions have been implemented and are completed. However, although CONN-OSHA has hired a director, the Department of Labor has been without a Director of Program Policy, the position that oversees the discrimination program, since 2009. Since that time, the duties of the program have been conducted by its attorneys. Therefore, the recommendation that the Department of Labor hire a Director of Program Policy remains open.

**Finding #12-12 (formerly # 11-14): Same as Finding #11-20.**

**Recommendation #12-12: Same as Recommendation #11-20.**

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**Finding #11-24: Program Administration**—The CSHO who completed one of the courses that is part of the three-course series for Process Safety Management (PSM) training is not enrolled in the remaining two courses, and therefore will not have completed all three courses by the end of FY 2012.

**Recommendation #11-24:** CONN-OSHA must ensure that the CSHO who completed Course #3300 in FY 2012 completes the remaining two courses by no later than FY 2013.

**Corrective Action:** CONN-OSHA enrolled the CSHO in the second PSM course (#3400, *Hazard Analysis in the Chemical Processing Industries*) in February 2013.

**State Action Taken:** As of the end of FY 2013, the CSHO will have completed two of the three PSM courses but is not scheduled to take the third PSM course until FY 2014.

**Finding #12-13 (formerly #11-24): Program Administration- OSHA's PSM directive (CPL-03-00-014) requires CSHOs who conduct PSM inspections independently (or are as a team leader) to complete OTI's Course #3300, *Safety and Health in the Chemical Processing Industries*; Course #3400, *Hazard Analysis in the Chemical Processing Industries*; and either Course #3430, *Advanced PSM in the Chemical Industries* or Course #3410, *Advanced Process Safety Management*.<sup>3</sup> CONN-OSHA planned to have one health CSHO complete the mandatory three-course training series by the end of FY 2012. But as**

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<sup>3</sup> Course #3410 provides instruction on inspecting petroleum refineries. Because there are no such refineries in New England, Region I CSHOs should enroll in Course #3430.

of February 2013, this CSHO had completed only two of the three courses in the PSM training series, and is not scheduled to take the third and final course until FY 2014.

**Recommendation #12-13:** CONN-OSHA must ensure that the CSHO who has been designated by the program to conduct PSM inspections completes the three-course training series on PSM as soon as possible, or by no later than March 31, 2014.

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**Finding #11-25: Program Administration**—CONN-OSHA's SIEP does not focus on key enforcement issues that the Plan needs to address.

**Recommendation #11-25:** CONN-OSHA must develop a SIEP for FY 2013 that addresses key areas of concern such as violation classification, fatality investigation procedures, and exploring potential Willful violations.

**Corrective Action:** CONN-OSHA will work with Region I to modify its SIEP.

**State Action Taken:** During quarterly meetings, Region I and CONN-OSHA discussed modifying the SIEP in accordance with the recommendation, but the State did not make any changes to the SIEP in FY 2012.

**Finding #12-14 (formerly #11-25): Program Administration-** Two of the three elements evaluated in CONN-OSHA's SIEP relate to the State's public sector consultation program. CONN-OSHA's SIEP does not adequately evaluate enforcement-related operations.

**Recommendation #12-14:** CONN-OSHA must develop a SIEP by the end of FY 2013 that adequately evaluates the operations of the State's public sector enforcement program. Two of the three assessments in the SIEP are related to CONN-OSHA's public sector consultation program.

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**Finding #11-26: Annual Performance Plan**-CONN-OSHA did not meet its annual goal for inspections in FY 2011.

**Recommendation #11-26:** In FY 2012, CONN-OSHA must meet its goal for inspections.

**Corrective Action:** The new full-time manager will closely monitor the activities of field staff. CONN-OSHA expects to meet projected goals in the future.

**State Action Taken:** CONN-OSHA hired a full-time manager in August 2012, but because this appointment was so late in the fiscal year, the new manager really had no significant impact on the operations of the program in FY 2012. CONN-OSHA conducted only 151 inspections of 230 projected (66 percent), and therefore did not meet its goal in FY 2012. A severe storm caused the program to fall behind in inspections early in the fiscal year because the CSHOs had to devote a significant amount of their time to conducting interventions.

**Finding #12-15 (formerly #11-26): Annual Performance Plan**—CONN-OSHA achieved only 66 percent of its goal for inspections in FY 2012.

**Recommendation #12-15: CONN-OSHA should meet its goal of 190 inspections in FY 2013.**

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**THE FOLLOWING FY 2011 FAME FINDINGS HAVE BEEN CONVERTED TO  
OBSERVATIONS:**

**Finding #11-4: Fatality Investigation-**In one case file, there were no field notes.

**Recommendation #11-4:** FY 2012 fatality case files will reflect that CONN-OSHA is adhering to chapter 5 of the FOM, Section XII, Inspection Records, which states that “All official forms and notes constituting the basic documentation of a case file must be part of the case file.”

**Corrective Action:** The new manager will ensure that CSHOs follow all FOM procedures for fatality investigations. Although CONN-OSHA disagrees with this finding, the new manager will review all fatality case files to ensure that they contain relevant field notes. CONN-OSHA will continue to follow the case file documentation requirements for fatalities in accordance with the FOM. CSHOs have been directed to include field notes in the fatality case files.

**State Action Taken:** This corrective action has been implemented and is ongoing. CONN-OSHA hired a full-time manager in August 2012 who is reviewing case files as described above.

**Observation #12-1: Fatality Investigation-Because this finding was based on only one case file, Region I has converted this finding to an observation. Region I will monitor the State’s performance in terms of ensuring that all fatality case files contain all required documentation during the next comprehensive onsite case file review for the FY 2013 FAME.**

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**Finding #11-21: Voluntary Compliance-**CONN-OSHA’s Alliance documentation does not comply with the requirements of OSHA’s Alliance directive of June 10, 2004, specifically Section XII, Program requirements, D. Alliance Documentation 1 and 2.

**Recommendation #11-21:** By the end of FY 2012, CONN-OSHA must ensure that all Alliance documentation complies with OSHA’s requirements. CONN-OSHA should review Alliance files periodically to ensure compliance.

**Corrective Action:** CONN-OSHA will ensure that all Alliance documentation complies with OSHA’s requirements and Alliance files will be reviewed periodically. CONN-OSHA will use the template provided in the directive. Intervention forms are being used to determine the number of participants trained, and Alliances will be posted on the CONN-OSHA website.

**State Action Taken:** This corrective action has been implemented and is ongoing.

**Observation #12-2: Voluntary Compliance-**The finding that some of CONN-OSHA's Alliance files did not contain all required documentation is relatively minor and easy to correct. Region I will monitor the State's compliance with OSHA's requirements for maintaining Alliance files during the next comprehensive onsite case file review for the FY 2013 FAME.

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#### IV. Assessment of FY 2012 State Enforcement Measures

This section provides an assessment of the State's enforcement-related functions, and focuses on complaints, fatalities, targeting and programmed inspections, citations and penalties, and abatement. Information sources include data from the SAMM report for FY 2012 (**Appendix D**) and the CONN-OSHA FY 2012 SOAR (**Appendix E**). FY 2012 year-end data is compared to that for previous years in order to show trends in performance.

##### COMPLAINT ACTIVITY MEASURES

SAMM measures 1-4 assess the program's efficiency in handling complaint inspections. SAMM#1 measures the average number of days it takes the program to initiate complaint inspections. The negotiated standard for this measure is five days. From FY 2008 to FY 2011, CONN-OSHA averaged about 11 days. In FY 2012, the program's average was 14.12 days (*565 days /40 complaints = an average of 14.12 days per complaint*). Although CONN-OSHA's FY 2012 average was much higher than the five-day standard, it was an improvement over its FY 2011 average. See Finding #12-10 (formerly #11-1) in Section III of this report.

SAMM #1 Average Number of Days to Initiate Complaint Inspections					
	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Avg. No. of Days	9.94	7.24	8.92	19.04	14.12

SAMM #2 measures the average number of days to initiate complaint investigations. In FY 2012, Region I found that CONN-OSHA did not meet the standard of one day for responding to complaint investigations, and had an average of 4.60 days (*23 days/ 5 complaint investigations = 4.60 days per complaint investigation*). Although CONN-OSHA did not meet the one-day standard, its average in FY 2012 was an improvement over its FY 2011 average of 9.83 days, and also over its FY 2010 average of 5.50 days. See Finding #12-1 (formerly #11-2) in Section III of this report.

SAMM #3 measures the percent of complaints where complainants were notified on time. In FY2012, CONN-OSHA notified all 36 complainants (100 percent) in a timely manner, and initiated inspections for all of the complaints filed. SAMM #4 measures the percent of imminent danger complaints and referrals responded to in one day. In FY 2012, CONN- OSHA met the 100 percent standard by responding within one day to all five imminent danger complaints.



	<i>SAMM #2 Avg. No. of Days to Initiate Complaint Investigations</i>		<i>SAMM #3 Percent of Complaints where Complainants were Notified on Time</i>		<i>SAMM #4 Percent of Complaints and Referrals Responded to within 1 Day-Imminent danger</i>	
	CONN- OSHA	Standard	CONN- OSHA	Standard	CONN- OSHA	Standard
<b>FY 2009</b>	7.24	1	100	100	No Complaints	100
<b>FY 2010</b>	5.50	1	100	100	No Complaints	100
<b>FY 2011</b>	9.83	1	100	100	100	100
<b>FY 2012</b>	4.60	1	100	100	100	100

## FATALITIES

An IMIS fatality/Catastrophe Report for FY 2012 indicates that CONN-OSHA investigated one of the three fatality events involving public sector workers that occurred in FY 2012. In the FY 2011 FAME, Region I found that during one fatality investigation, the CSHO did not follow the procedures in Chapter 11 of the OSHA FOM for adequately documenting incident data (by making sketches of the worksite and taking measurements, etc.).

Although CONN-OSHA disagreed with this finding, the State agreed to a corrective measure which calls for the new CONN-OSHA manager to “review all fatality case files to ensure that they include documentation required by the FOM.” During the next comprehensive onsite case file review for the FY 2013 FAME, Region I will review all fatality case files to determine the extent to which this review has been effective in resolving this particular finding. See Finding #12-2 (formerly #11-3). As discussed in Section III, Region I converted one finding related to a fatality case file not containing field notes to an Observation. See Observation #12-1.

## TARGETING AND PROGRAMMED INSPECTIONS

### Targeted State and Municipal Industries

CONN-OSHA targeted six public operations (three state and three municipal) for enforcement, consultation and training and education activities in each year of its five-year strategic plan. CONN-OSHA selected these six operations based on the fact that their average Days Away/Restricted/Transferred (DART) rates for fiscal years 2004 through 2006 were higher than

those of other public sector operations.<sup>4</sup> In FY 2012, CONN-OSHA exceeded its goal of conducting 25 percent of all inspections in the targeted high-hazard industries by conducting 62 inspections (27 percent). The State also surpassed its goal of conducting 15 percent of all consultation visits in the targeted industries, by conducting 48 (37 percent).

For both state and municipal targeted industries, CONN-OSHA's goal is to effect at least a two percent reduction in the DART rate from year to year over the five year span of the strategic plan so that by the end of the plan period, a total reduction of 10 percent over each industry's baseline DART rate will have been achieved. More information on the DART rates for CONN-OSHA's six targeted industries is found in Section V of this report.

In the paragraphs that follow, Region I analyzes CONN-OSHA's effectiveness in targeting high-hazard employers for inspections using SAMM measures #8 (Percent of Programmed Inspections with S/W/R Violations) and #9 (Average Violations per Inspection with Violations).

### **SAMM Measures #8 and #9**

Over the past three fiscal years, CONN-OSHA has consistently met the national standard in SAMM #8 for percent of programmed safety inspections with S/W/R violations. In FY2011, CONN-OSHA did not conduct any health-related programmed inspections, and therefore its percentage was zero. Two circumstances contributed to the program not conducting any health-related programmed inspections during the previous fiscal year. First, the veteran health CSHO was on medical leave for the first quarter of the fiscal year; second, the other health CSHO who was newly hired in FY 2011 did not have sufficient experience and training to conduct inspections.

During FY 2012, CONN-OSHA operated with all CSHO positions fully staffed. As a result, the program performed better than the standard for both safety and health. CONN-OSHA's results for SAMM #8 are also a good indication that the program is effectively targeting high-hazard employers for programmed inspections. The table below shows CONN-OSHA's results for SAMM #8 over the past three fiscal years.

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<sup>4</sup> On an annual basis, CONN-OSHA uses data from Connecticut's Occupational Safety and Health Statistics (OSHS) unit to verify that these six public sector industries are high-hazardous.



<b>SAMM #8</b> <i>Percent of Programmed Inspections with S/W/R Violations</i>						
	<b>FY 2010</b>		<b>FY 2011</b>		<b>FY 2012</b>	
	<b>CONN-OSHA (%)</b>	<b>National Data (%)</b>	<b>CONN-OSHA (%)</b>	<b>National Data (%)</b>	<b>CONN-OSHA (%)</b>	<b>National Data (%)</b>
<b>Safety</b>	69.44	58.4	72.41	58.5	67.31	58.5
<b>Health</b>	100	50.00	0	51.7	66.67	53.0

For SAMM #9 (Average Number of Violations per Inspection with Violations), CONN-OSHA has consistently fallen below the standard for S/W/R violations. But for Other-than-Serious violations cited (in inspections that had violations cited), CONN-OSHA has consistently performed better than the national data standard.

Because CONN-OSHA came so close to meeting the standard in FY 2011 for S/W/R violations, Region I did not make a finding at that time. However, in FY 2012, CONN-OSHA dropped well below the previous fiscal year's average for S/W/ R violations and therefore must work to ensure that this standard is met in FY 2013. CONN-OSHA's FY 2012 results for SAMM #9 may also be an indication that CSHOs are misclassifying some Serious violations as Other-than-Serious.

An IMIS report on CONN-OSHA's ten most frequently cited standards in FY 2012 provides further evidence of misclassification of violations. For example, this report shows that the State cited all 14 violations under 29 CFR § 1910.305G as Other-than-Serious, rather than Serious. Because this particular standard relates to electrical wiring hazards (and hazards associated with flexible electrical cords and cables), and therefore could cause serious harm, injury and even death, Region I is concerned that none of the 14 violations cited under this standard were classified as Serious. Region I will fully assess the extent to which CONN-OSHA is properly classifying violations when it conducts a comprehensive onsite case file review for the FY 2013 FAME.

<b>SAMM #9</b> <i>Average Violations per Inspection with Violations</i>						
	<b>FY 2010</b>		<b>FY 2011</b>		<b>FY 2012</b>	
	<b>CONN-OSHA</b>	<b>National Data</b>	<b>CONN-OSHA</b>	<b>National Data</b>	<b>CONN-OSHA</b>	<b>National Data</b>
<b>S/W/R</b>	1.05	2.1	2.08	2.1	1.53	2.1
<b>Other-than-Serious</b>	2.23	1.2	2.04	1.2	1.78	1.2

**Finding #12-16: SAMM #9 (Average Violations per Inspections with Violations)—CONN-OSHA's average of 1.53 did not meet the standard average of 2.1 for S/W/R violations, which may be an indication that CONN-OSHA is misclassifying some Serious violations as Other-than-Serious.**

**Recommendation #12-16: CONN-OSHA should meet the standard in SAMM #9 for S/W/R violations and focus on ensuring that violations are properly classified as Serious and Other-than-Serious.**

## CITATIONS AND PENALTIES

### Average Number of Calendar Days from the Opening Conference to Citation Issue

**SAMM #7** measures the average number of *calendar* days from the opening conference to citation issuance. Region I found that in FY 2012, CONN-OSHA did not meet the time standard for safety and health inspections. CONN-OSHA has closely monitored its performance with regard to this measure over the past several years, because the average number of days lapsed from opening conference to citation issuance as measured by SAMM #7 has been a long-standing concern for the program.

The CONN-OSHA director has acknowledged that the program has had high lapse times over the past few fiscal years because CONN-OSHA had fewer managers than what was needed to properly supervise the program. The table below shows CONN-OSHA's fiscal year-end averages for SAMM #7 over the past three fiscal years.

<b>SAMM #7</b>						
<i>Average Number of Lapse Days from Opening Conference to Citation Issue</i>						
	<b>FY2010</b>		<b>FY2011</b>		<b>FY2012</b>	
	<b>CONN-OSHA</b>	<b>National Data</b>	<b>CONN-OSHA</b>	<b>National Data</b>	<b>CONN-OSHA</b>	<b>National Data</b>
<b>Safety</b>	138.65	<b>47.3</b>	119.28	<b>51.9</b>	144.35	<b>55.9</b>
<b>Health</b>	84.95	<b>61.9</b>	48.88	<b>64.8</b>	150.10	<b>67.9</b>

From FY 2011 to FY 2012, CONN-OSHA's average lapse days for both safety and health increased significantly. For health inspections, CONN-OSHA's average lapse time has more than tripled since FY 2011, and since FY 2010 has increased by 77 percent. For safety inspections, CONN-OSHA's FY 2012 lapse time average increased by 21 percent over its FY 2011 average.

In its FY 2012 CAP, CONN-OSHA planned to reduce its lapse times by hiring a full-time manager who will meet "individually with each CSHO to reinforce compliance with this measure." The manager will also run IMIS citations pending reports "on a weekly basis." Unfortunately, as of the end of the first quarter of FY 2013, CONN-OSHA's averages for safety

and health were 154.24 days and 151.21 days respectively.<sup>5</sup> See Finding #12-11 (formerly #11-8).

## ABATEMENT

Looking back to FY 2008, CONN-OSHA has had a good track record of meeting the 100 percent standard for SAMM #6 (Percent of S/W/R Violations Verified). As of the end of FY 2012, CONN-OSHA verified the abatement of all 131 of its violations cited as S/W/R in a timely manner. Although CONN-OSHA has a history of performing satisfactorily on this measure, Region I will take a closer look at CONN-OSHA's timeliness in verifying abatement during the next comprehensive onsite case file review for the FY 2013 FAME.

<b>SAMM #6</b> <i>Percent of S/W/R Violations Verified</i>					
	<b>FY 2008</b>	<b>FY 2009</b>	<b>FY 2010</b>	<b>FY 2011</b>	<b>FY2012</b>
<b>Percent S/W/R Violations Verified Timely</b>	100	97.96	100	100	100

## EMPLOYEE AND UNION INVOLVEMENT

During the previous onsite case file review, Region I found no issues with union involvement in inspections. However, the Region identified two cases in which it appeared that CONN-OSHA did not conduct employee interviews, but should have done so. Because so few issues were identified during the previous onsite review, Region I will assess this performance element regularly until the FY 2013 case file review.

## INFORMAL CONFERENCES

The previous onsite case file review for the FY 2011 FAME identified no deficiencies in the State's adherence to informal conference policies and procedures, timely filing for informal conferences, or penalty reductions granted at informal conferences. Because there were no issues with informal conferences identified in the previous FAME, Region I has deferred an evaluation of informal conferences until the case file review for the FY 2013 FAME.

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<sup>5</sup> As noted in Finding #12-11 (formerly #11-8) in Section III of this report, SAMM #7 is included in the FY 2012 SAMM for "information only." The new measure that has been developed to measure lapse time is SAMM #23 (Average Lapse Time from Last Date Onsite to Citation Issue). CONN-OSHA's FY 2012 results for SAMM #23 are as follows: Safety—CONN-OSHA-107.44 days/Standard-42.1 days; Health—CONN-OSHA-112.21 days/Standard-52.8 days.

**STANDARD ACTIONS AND FEDERAL PROGRAM CHANGE (FPC) ADOPTIONS**

Under Finding #11-12 in Section III, Region I confirmed that for all FPCs issued in FY 2012, CONN-OSHA notified the Region of its intent to adopt in a timely manner. CONN-OSHA intended to adopt both of the standards issued by OSHA in FY 2012, but as shown in the table below, the State was more than four months overdue in adopting the *Acetylene Standard* and did not finalize its adoption of the *Globally Harmonized System of Classification Standard* until April 1, 2013. According to the State, Connecticut's executive review and statutory regulations processes make it "nearly impossible to meet the six-month time frame."

<b>CONN-OSHA Standard Adoption Log FY 2012</b>								
<b>Standard</b>	<b>FR Date</b>	<b>Response Due Date</b>	<b>Date State E-mailed Response</b>	<b>Adoption Required</b>	<b>Intent Required</b>	<b>Adoption Due Date</b>	<b>Adopt Identical</b>	<b>State Adoption Date</b>
<b>,1910,1910.102,1911 Revising Standards Referenced in the Acetylene Standard</b>	3/8/2012	5/12/2012	5/7/2012	NO	YES	9/8/2012	YES	1/31/2013
<b>,1910, 1915, 17, 18, 26 Hazard Communication—Globally Harmonized System of Classification</b>	3/26/2012	5/21/2012	3/24/2012	YES	YES	9/26/2012	YES	4/1/2013

**Finding #12-17: Standard Adoption—CONN-OSHA has far exceeded the six-month timeframe for adopting OSHA's standards that were issued in FY 2012.**

**Recommendation #12-17: Region I is aware that Connecticut's regulatory review process makes it difficult for the State Plan to meet the six-month time frame in adopting OSHA's standards. However, the State is urged to strive to meet the six-month deadline for adoption of OSHA's standards.**

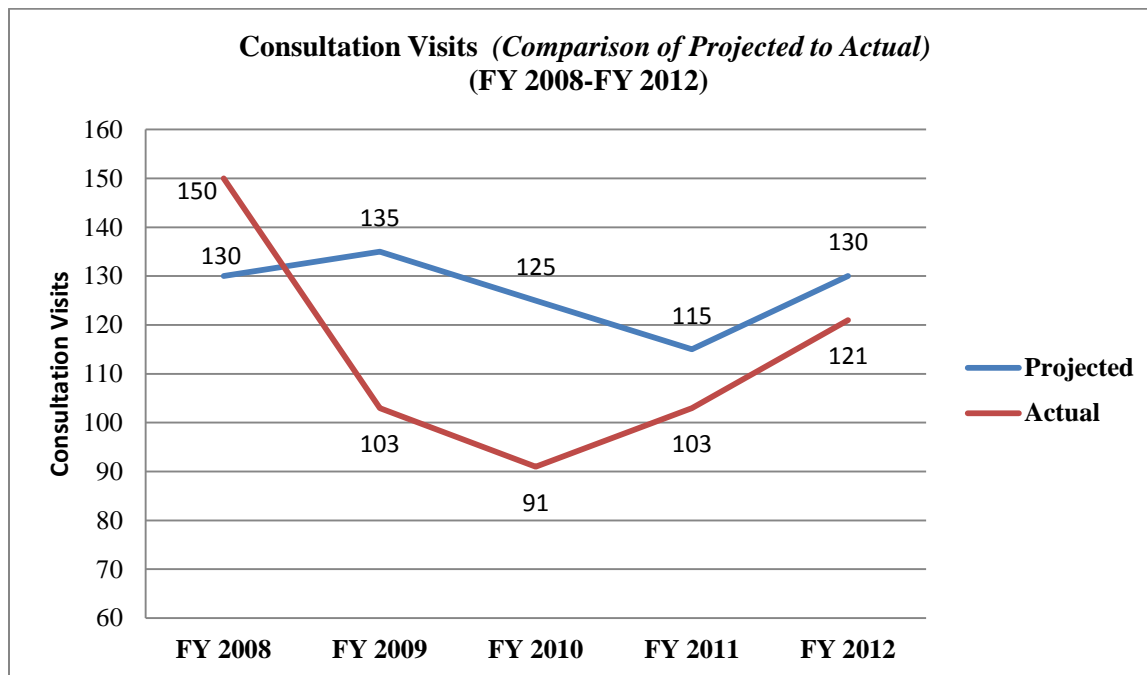
## VARIANCES

In FY 2012, the CONN-OSHA State Plan had no variance activity.

## PUBLIC SECTOR CONSULTATION

The CONN-OSHA public sector consultation program is normally staffed by three consultants (two health and one safety). In the past few fiscal years, CONN-OSHA experienced turnovers in some of its consultant positions. In FY 2012, all consultation program positions were filled. CONN-OSHA came close to meeting its annual performance plan goal for consultation visits in FY 2012, but lost ground early in the fiscal year because consultants were diverted to intervention activities in the aftermath of Winter Storm Alfred (which occurred in late October 2011).

The table below provides a comparison of projected consultation visits to the actual number completed by the program over the past five fiscal years.



According to the Mandated Activities Report for Consultation (MARC), 100 percent of the visits conducted in FY 2012 included participation by worksite employees. Consultants identified 253 Serious hazards; of this total, almost 80 percent were verified on site or within the original timeframe. This percentage far exceeded the standard of 65 percent for this measure. The

CONN-OSHA public sector consultation project did not refer any employers to enforcement in FY 2012.

<i><b>CONN-OSHA Public Sector Consultation Statistics</b></i> <i><b>(Data source: FY 2011 and FY 2012 Consultation reports)</b></i>				
	<b>No. of Visits Opened</b>	<b>No. of Employees Trained (in initial and training &amp; assistance visits)</b>	<b>No. of Hazards Identified/% Serious</b>	<b>Total No. of Workers Removed from Risk</b>
<b>FY 2012</b>	121	247	248/99%	4,296
<b>FY 2011</b>	103	566	182/96%	5,934

## DISCRIMINATION

CONN-OSHA has met two of the three SAMMs measures as shown in the charts below. However, these three measures (all that are currently used to measure discrimination) do not provide an accurate overall assessment of the State's performance.

SAMM #13- CONN-OSHA completed 0 percent of its closed cases within 90 days, compared to the national average of 27 percent.

<i><b>SAMM #13</b></i> <i><b>Percent of 11(c) Investigations Completed Within 90 Days</b></i>			
<b>Total cases completed FY 2012</b>	<b>Cases completed within 90 days</b>	<b>%</b>	<b>% Goal</b>
1	0	0	100

SAMM #14 – CONN-OSHA found merit to its only closed case, or 100 percent of its closed cases, compared to a national 3 year average of 24 percent.

<i><b>SAMM #14</b></i> <i><b>Percent of 11 (c) Complaints that are Meritorious</b></i> <i><b>(Three years of national data)</b></i>			
	<b>Total Cases Completed FY 2012</b>	<b>Total Merit Cases Completed in FY 2012</b>	<b>Percent Meritorious</b>
<b>CONN-OSHA</b>	<b>1</b>	<b>1</b>	<b>100.0</b>
<b>National</b>	6,921	1,619	23.4

SAMM #15 – CONN-OSHA settled its only closed case or 100 percent, compared with a national average of 89.2 percent.

<b>SAMM #15</b> <b><i>Percent of Meritorious 11(c) Complainants That Are Settled</i></b> <b><i>(Three years of national data)</i></b>			
	<b>Total cases with merit FY 2012</b>	<b>Total merit cases settled 2012</b>	<b>% settled</b>
<b>CONN-OSHA</b>	<b>1</b>	<b>1</b>	<b>100.0</b>
<b>National</b>	1,619	1,444	89.2

## **VOLUNTARY COMPLIANCE**

### **Alliances**

In compliance with CSP 04-01-001, OSHA's Alliance Programs directive, CONN-OSHA's Alliances conduct the following core activities: training and education; outreach and communication; and promoting the national dialogue on workplace safety and health.

In the FY 2011 FAME, Region I found that CONN-OSHA's Alliance documentation did not comply with the requirements of OSHA's Alliance Directive of June 10, 2004, specifically Section XII, Program Requirements.

In the CAP, CONN-OSHA planned to ensure compliance with OSHA's requirements for Alliance documentation. Because this finding was relatively minor, and also because the program's compliance assistance specialists can easily implement the corrective actions, Region I has converted this finding to an "Observation." During the next onsite case file review, Region I will make it a point to track the program's compliance with this recommendation.

As discussed in more detail in the SOAR, CONN-OSHA renewed only one of the seven Alliances that expired in FY 2012. As of November 30, 2012, CONN-OSHA had renewed five of the six that were overdue, and as of January 2013, the program renewed the one that remained outstanding. By the end of FY 2013, CONN-OSHA plans to renew the remaining six expired Alliances.

## **PROGRAM ADMINISTRATION**

### **Employee Training**

In late FY 2010 and in early FY 2011, CONN-OSHA hired two new CSHOs, who completed two of the initial compliance training track courses. Both new CSHOs completed Initial Compliance (Course #1000); one CSHO completed Introduction to Safety Standards (Course #1050), while the other completed Introduction to Health Standards (Course #1250). In FY 2012,

both of these CSHOs completed #1230 (Accident Investigation) and #1410 (Inspection Techniques and Legal Aspects).

In the FY 2010 FAME, Region I found that CONN-OSHA had no CSHOs who had completed the three courses at OTI on Process Safety Management (PSM). As a corrective action CONN-OSHA planned to have one CSHO complete all three PSM courses by the end of FY 2012. One CSHO completed Safety and Health in the Chemical Processing Industries (OTI Course # 3300) in FY 2012 and completed the second course in the series in February 2013. As discussed in Section III (Finding #12-13), CONN-OSHA must ensure that this CSHO completes the third and final course in the PSM series by no later than March 31, 2014.

## **IMIS MANAGEMENT**

In the FY 2011 FAME, Region I verified that CONN-OSHA is running the SAMM monthly and is reviewing IMIS Inspection and Enforcement data to monitor performance, and this practice continues. Each month, CONN-OSHA provides the Region with a copy of the SAMM that it uses to monitor and track performance.

In addition to these IMIS reports, CONN-OSHA has developed its own internal reports for tracking serious hazards and violations not corrected. These reports are run weekly for all CSHOs and consultants. Through quarterly monitoring discussions, Region I has verified that CONN-OSHA continues to use IMIS reports to effectively manage program performance.

## **STATE INTERNAL EVALUATION PLAN (SIEP)**

On a quarterly basis, CONN-OSHA provides the Region with a written analysis of its performance with regard to Citation Processing; Public Sector Consultation Turnaround Time; and Assurance of Hazards in Public Sector Consultations.

As noted in the FY 2011 FAME, CONN-OSHA has been using these three items in its SIEP for several years, and only one of them relates to enforcement. Region I has recommended that CONN-OSHA develop a SIEP that evaluates more elements of its enforcement program. For example, in addition to citation lapse times, the program should more closely examine its performance with regard to complaint and referral response times, violation classification, and fatality investigations. As discussed in Finding #12-14 (formerly #11-25), CONN-OSHA should develop a new SIEP by the end of FY 2013.



## V. State Progress in Achieving Annual Performance Goals

During FY 2012, CONN-OSHA completed a total of 151 inspections out of 230 projected. The tables below break out the number of inspections projected and completed by safety and health for FY 2010 through FY 2012.

<i>FY 2010 Inspections</i>			
	<b>Projected</b>	<b>Actual</b>	<b>Actual as Percent of Number Projected</b>
<b>Safety</b>	100	51	51
<b>Health</b>	40	27	68
<b>TOTAL</b>	<b>140</b>	<b>78</b>	<b>56</b>

<i>FY 2011 Inspections</i>			
	<b>Projected</b>	<b>Actual</b>	<b>Actual as Percent of Number Projected</b>
<b>Safety</b>	135	61	45
<b>Health</b>	65	40	62
<b>TOTAL</b>	<b>200</b>	<b>101</b>	<b>51</b>

<i>FY 2012 Inspections</i>			
	<b>Projected</b>	<b>Actual</b>	<b>Actual as Percent of Number Projected</b>
<b>Safety</b>	150	92	61
<b>Health</b>	80	59	74
<b>TOTAL</b>	<b>230</b>	<b>151</b>	<b>66</b>

Compared to the previous two fiscal years, CONN-OSHA not only conducted more inspections, but also achieved a higher percentage of its projected goal. In FY 2012, CONN-OSHA claims that it fell behind in meeting its goals for inspections and consultation visits because CSHOs and consultants were diverted from normal activities to conduct interventions in the aftermath of Winter Storm Alfred. In addition, two CSHOs who were relatively new in FY 2012 did not have the experience needed to conduct inspections at the same rate as the program's veteran CSHOs.

Now that these two CSHOs have gained another year's worth of experience—and a full-time manager is now on board—CONN-OSHA is optimistic that it will meet its goals for inspections and consultation visits in FY 2013.

CONN-OSHA provides a detailed analysis of its progress in meeting its FY 2012 Annual Performance Plan goals in its SOAR (see Appendix E). CONN-OSHA fell short of its goals for inspections and training the number of State employees anticipated. The State also did not renew six of seven Alliances that expired in FY 2012, but as of January 2013, all Alliances were

renewed. Goals for training municipal employees, field staff professional development, and ensuring that workers participate in 100 percent of all inspections and consultation visits were met.

In developing its five-year strategic plan, CONN-OSHA used Bureau of Labor Statistics (BLS) data to identify six operations that had higher than average DART rates compared to all other public sector operations in the State of Connecticut. In each year of its five-year strategic plan, CONN-OSHA intends to effect a two percent reduction in these DART rates. CONN-OSHA's goal, at the end of the five-year plan, is to show that each of these DART rates has been reduced cumulatively by at least 10 percent, in comparison with the baseline DART rates.

The table below lists the six targeted high-hazard operations and compares CONN-OSHA's 2011 results to 2010 results, and also CONN-OSHA's 2011 results to the baseline data. In 2011, two of the six targeted operation's DART rates declined from the 2010 rates. In five of the six targeted industries, there was a decrease from the baseline average rates to the 2011 rates.

Because the DART rates for these six high-hazard industries tend to fluctuate significantly from year to year, it is difficult to forecast whether or not CONN-OSHA will successfully reduce each of them by 10 percent by the end of the strategic plan period (which draws to a close at the end of this fiscal year).

Targeted State High-Hazard Industries					
	Baseline (2004-2006 average)	2010 DART rate	2011 DART rate	Percent change	Percent change from baseline
State Hospitals	10.0	9.5	5.3	(44)	(4.0)
State Nursing & Residential Care Facilities	9.9	14.5	7.4	(49)	(25.0)
State Highway Maintenance & Repair Operations	10.0	8.8	9.9	13	(1.0)

Targeted Municipal High-Hazard Industries					
	Baseline (2004-2006 average)	2010 DART rate	2011 DART rate	Percent change	Percent change from baseline
Municipal Public Works—Street and Highway	10.0	8.8	9.9	13	(1.0)
Municipal Water, Sewage and Other Systems	9.3	4.3	13.9	223	49.0
Municipal Waste Management and Remediation Services	22.6	8.8	15.0	70	(34.0)

## VI. Other Areas of Note

Region I has not identified any other areas of note in FY 2012.

## Appendix A – New and Continued Findings and Recommendations

### FY 2012 CONN-OSHA State Plan Abridged FAME Report

Rec #	Findings	Recommendations	FY 11
12-1	<b>Average Number of Days to Initiate Complaint Investigations (SAMM #2)</b> —CONN-OSHA’s average of 4.60 days did not meet the one-day standard for this measure.	In FY 2013, CONN-OSHA should reduce the number of days to initiate complaint investigations and meet the one-day standard for SAMM #2. <i>Corrective action complete; Awaiting verification</i>	11-2
12-2	<b>Fatality Investigation</b> —CONN-OSHA did not adequately document incident data (such as the physical layout of the worksite, and sketches/drawings and measurements, etc.), and did not adequately document equipment or process involved (i.e., personal protective equipment that the victim was using at the time the incident occurred).in accordance with Chapter 11 of the FOM, Section II, E.	CONN-OSHA should adhere to the requirements in Chapter 11 of the FOM for fatality investigations, and ensure that fatality case files include all required documentation (such as incident data and descriptions of equipment and processes, etc.). <i>Corrective action complete; Awaiting verification</i>	11-3
12-3	<b>Discrimination Case Files</b> —Case files were not organized in any consistent fashion.	CONN-OSHA should adopt the case file organization standards as outlined in the Federal Whistleblower Investigations Manual (Chapters 3 and 5). All investigators need to follow this format and investigators should be trained to adhere to these new standards. This will also facilitate oversight of CONN-OSHA’s program in the future. <i>Corrective action complete; Awaiting verification</i>	11-13
12-4	<b>Discrimination Case Files</b> —The Activity Log is handwritten and mostly illegible. This is problematic because CONN-OSHA does not conduct an investigation, nor does it submit an investigative report. Therefore, the only reference to what actually occurred in the case is the Activity Log.	For all discrimination cases open in FY 2012 and going forward, CONN-OSHA must ensure that investigators’ notes are legible. The activity log should be placed in a separate tab. This will aid in the organization of the case file, and make any FOIA requests more manageable. <i>Corrective action complete; Awaiting verification</i>	11-14
12-5	<b>Discrimination Case Files</b> —Investigators do not submit an Investigative Report. Because there is no summation of what occurred during the course of the mediation and/or hearing, it is difficult for a reviewer to evaluate the process and the outcome. None of the case files included determination letters.	For all discrimination cases opened in FY 2012 and going forward, CONN-OSHA should write a Memo to File for each case to be retained in the case file, explaining the Complainant’s allegations, the Respondent’s defense, and the determination and reasoning for all settlements and/or dismissals. <i>Corrective action complete; Awaiting verification</i>	11-15
12-6	<b>Discrimination Case Files</b> —CONN-OSHA’s classification of settled cases in IMIS is incorrect. Currently, CONN-OSHA considers cases that are settled without its participation as “settled” when in fact these cases should be classified as “settled other.” Conversely, CONN-OSHA designates cases that are settled during its mediation and/or hearing process as “settled other” when they should be classified as “settled.”	For all discrimination cases opened in FY 2012 and going forward, CONN-OSHA must adopt the same criteria for classifying settlement agreements in IMIS as Federal OSHA. Cases that are settled during the mediation and/or hearing process should be classified as “settled,” while cases that are settled between the parties without CONN-OSHA’s participation (i.e. during a grievance process, other agency process, private attorney), should be classified as “settled other.” <i>Corrective action complete; Awaiting verification</i>	11-16

## Appendix A – New and Continued Findings and Recommendations

### FY 2012 CONN-OSHA State Plan Abridged FAME Report

12-7	<b>Discrimination Case Files</b> —In cases that were classified as “settled other,” there is no indication that CONN-OSHA reviewed the settlement agreement using the appropriate criteria. The files do not contain any information related to review of settlement agreements.	For all discrimination cases opened in FY 2012 and going forward, CONN-OSHA should document that it has reviewed “settled other” determinations to ensure that there is nothing repugnant to the Act. <i>Corrective action complete; Awaiting verification</i>	11-17
12-8	<b>Discrimination Case Files</b> —Settlement agreements were not included in the case file.	For all discrimination cases opened in FY 2012 and going forward, settlement agreements and determination letters must be retained in the case file. <i>Corrective action complete; Awaiting verification</i>	11-18
12-9	<b>Discrimination Case Files</b> —The average lapse time for the three cases reviewed is 371 days, compared to the national average of 185 days for the same time period.	For all discrimination cases opened in FY 2012 and going forward, investigators should monitor pending open cases more closely to ensure that the cases are not neglected. CONN-OSHA explained that its two currently pending cases remain open at the request of the complainants, who are awaiting results of other agency investigations or the grievance processes. CONN-OSHA explained that hearings will be scheduled soon for each case. <i>Corrective action complete; Awaiting verification</i>	11-19
12-10	<b>Complaint and Referral Response (SAMM#1)</b> —CONN-OSHA’s average of 14.12 days did not meet the five-day standard.	CONN-OSHA must work to reduce the number of days it takes the program to initiate complaint inspections and meet the five-day standard for SAMM #1 by the end of FY 2013.	11-1
12-11	<b>Citations and Penalties</b> —For SAMM #7, CONN-OSHA concluded FY 2012 with an average of 144.35 days for safety inspections and 150.10 days for health inspections. These averages were more than double the national data standards for these measures.	In FY 2013, CONN-OSHA should reduce the time it takes to issue citations. Because the State’s lapse time averages have increasing since FY 2011, additional corrective actions should be developed and implemented by the State as soon as possible. SAMM #7 is included in the FY 2013 SAMM for information purposes only. In FY 2013, CONN-OSHA should align more closely with the standards in SAMM #23 (Average Lapse Time from Last Date On-Site—for safety and health).	11-8
12-12	<b>Discrimination Case Files</b> —CONN-OSHA’s Whistleblower Program has been without a supervisor for three years.	CONN-OSHA should include a supervisory position for its Whistleblower Protection Program. Program oversight would alleviate many of the issues raised in this review.	11-20
12-13	<b>Program Administration</b> —OSHA’s PSM directive (CPL-03-00-014) requires CSHOs who conduct PSM inspections independently or as a PSM inspection team leader to complete OTI’s Course #3300, <i>Safety and Health in the Chemical Processing Industries</i> , Course #3400, <i>Hazard Analysis in the Chemical Processing Industries</i> , and either Course #3430, <i>Advanced PSM in the Chemical Industries</i> or Course# 3410, <i>Advanced Process Safety Management</i> . CONN-OSHA planned to have one health CSHO complete all three courses in the PSM training series by the end of FY 2012. But as of February 2013, this CSHO had completed only two of the three PSM courses required by the directive, and is not scheduled to take the third and final course until FY 2014.	CONN-OSHA must ensure that the CSHO who has been designated by the program to conduct PSM inspections completes the mandatory three-course training series on PSM as soon as possible or by no later than March 31, 2014.	11-24
12-14	<b>Program Administration</b> —Two of the three elements evaluated in CONN-OSHA’s SIEP relate to the State’s public sector consultation	CONN-OSHA must develop a SIEP by the end of FY 2013 that adequately evaluates the operations of the State’s public sector	11-25

## Appendix A – New and Continued Findings and Recommendations

### FY 2012 CONN-OSHA State Plan Abridged FAME Report

	program. CONN-OSHA's SIEP does not adequately evaluate enforcement-related operations.	enforcement program.	
12-15	<b>Annual Performance Plan</b> —CONN-OSHA achieved only 66 percent of its goal for inspections in FY 2012.	CONN-OSHA should meet its goal of 190 inspections in FY 2013.	11-26
12-16	<b>Average Violations per Inspections with Violations (SMM #9)</b> —With an average of 1.53, CONN-OSHA did not meet the standard average of 2.1 for S/W/R violations, which may be an indication that CONN-OSHA is misclassifying some Serious violations as Other-than-Serious.	CONN-OSHA should meet the standard in SMM #9 for S/W/R violations and focus on ensuring that violations are properly classified as Serious and Other-than-Serious.	
12-17	<b>Standard Adoption</b> —CONN-OSHA has far exceeded the six-month timeframe for adopting OSHA's standards that were issued in FY 2012.	Region I recognizes that Connecticut's regulatory review process makes it difficult for the State Plan to meet the six-month time frame in adopting OSHA's standards. However, the State is urged to strive to meet the six-month deadline for adoption of OSHA's standards.	

**Appendix B – Observations Subject to Continued Monitoring**  
FY 2012 CONN-OSHA State Plan Abridged FAME Report

Rec # [OB-1]	Observations	Federal Monitoring Plan	FY 11#
OB-12-1	<b>Fatality Investigation-</b> In the FY 2011 FAME, Region I identified one fatality investigation case file that did not contain field notes. Because this finding was based on only one case file, Region I has converted this finding to an observation.	Region I will monitor the State's performance in terms of ensuring that all fatality case files contain all required documentation during the next comprehensive onsite case file review for the FY 2013 FAME.	11-4
OB-12-2	<b>Voluntary Compliance-</b> The finding that some of CONN-OSHA's Alliance files did not contain all required documentation is relatively minor and easy to correct.	Region I will monitor the State's compliance with OSHA's requirements for maintaining Alliance files during the next comprehensive onsite case file review for the FY 2013 FAME.	11-21

## Appendix C – Status of FY 2011 Findings and Recommendations

### FY 2012 CONN-OSHA State Plan Abridged FAME Report

Rec #	Findings	Recommendations	Corrective Action Plan	State Action Taken	Status
11-1	<b>Complaint and Referral Response (SAMM#1)</b> -CONN-OSHA did not meet the five-day standard.	Meet the five-day standard for average number of days to initiate a complaint inspection (SAMM#1) by the end of FY 2012.	<ol style="list-style-type: none"> <li>1. The new manager will ensure that the program handles complaint and referral responses timely and efficiently.</li> <li>2. The new program manager will closely monitor complaint and referral response times by running the SAMM monthly and running IMIS complaint tracking reports weekly. The new manager will ensure that complaints are initiated within five days.</li> </ol>	<p>The corrective actions have been implemented and are ongoing.</p> <p>CONN-OSHA's FY 2011 average of 19.04 days improved to an average of 14.12 days at the end of FY 2012. However, this average did not meet the 5-day standard.</p>	Open
11-02	<b>Average Number of Days to Initiate Complaint Investigations (SAMM#2)</b> -With an average of 9.83 days, CONN-OSHA did not meet the one-day standard for this measure.	Meet the one-day standard for average number of days to initiate complaint investigations (SAMM #2) by the end of FY 2012.	<ol style="list-style-type: none"> <li>1. The new manager will ensure that the program handles complaint investigations timely and efficiently.</li> <li>2. The new program manager will monitor complaint and referral response times by running the SAMM monthly and running IMIS complaint tracking reports weekly. The new manager will ensure that complaints are investigated within one day.</li> </ol>	<p>The corrective actions have been implemented and are ongoing.</p> <p>CONN-OSHA had an average of 4.60 days at the end of FY 2012 that did not meet the 1-day standard.</p> <p>However, this average was an improvement over the State's FY 2011 average of 9.83 days, and also over its FY 2010 average of 5.50 days.</p>	Awaiting verification
11-03	<b>Fatality Investigation</b> —CONN-OSHA did not adequately document incident data, such as the physical layout of the worksite, and sketches/drawings and measurements, etc., in accordance with Chapter 11 of the FOM, Section II, E. In the same case, the program did not	FY 2012 fatality case files will reflect that CONN-OSHA is adhering to the requirements in Chapter 11 of the FOM for fatality investigations.	<ol style="list-style-type: none"> <li>1. The new manager will ensure that CSHOs follow all FOM procedures for fatality investigations.</li> <li>2. Although CONN-OSHA disagrees with this finding, the new manager will review all fatality case files to ensure that they include the</li> </ol>	These corrective actions have been implemented and are ongoing.	Awaiting verification



## Appendix C – Status of FY 2011 Findings and Recommendations

### FY 2012 CONN-OSHA State Plan Abridged FAME Report

	adequately document equipment or process involved (i.e., personal protective equipment that the victim was using at the time the incident occurred).		documentation required by the FOM. CONN-OSHA will continue to follow the case file documentation requirements for fatalities in accordance with the FOM. Also, CSHOs have been directed to include the required documentation in all fatality case files.		
11-04	<b>Fatality Investigation</b> —In one case file there were no field notes.	FY 2012 fatality case files will reflect that CONN-OSHA is adhering to Chapter 5 of the FOM, Section XII, Inspection Records, which states that “All official forms and notes constituting the basic documentation of a case must be part of the case file.”	<ol style="list-style-type: none"> <li>1. The new manager will ensure that CSHOs follow all FOM procedures for fatality investigations.</li> <li>2. Although CONN-OSHA disagrees with this finding, the new manager will review all fatality case files to ensure that they contain relevant field notes. CONN-OSHA will continue to follow the case file documentation requirements for fatalities in accordance with the FOM. Also, CSHOs have been directed to include field notes in fatality case files.</li> </ol>	These corrective actions have been implemented and are ongoing.	Observation
11-05	<b>Programmed inspections</b> —CONN-OSHA’s percentage for programmed inspections does not closely align with Federal OSHA’s percentage.	CONN-OSHA must align more closely with Federal OSHA’s percentages for programmed inspections and non-programmed inspections by the end of FY 2012.	N/A	N/A	Closed
11-06	<b>Inspections with Violations Cited/Inspections NIC with Serious Violations</b> —CONN-OSHA fell below Federal OSHA’s percentages for	CONN-OSHA must align more closely with Federal OSHA’s percentages for these two indicators by the end of FY 2012.	N/A	N/A	Closed

## Appendix C – Status of FY 2011 Findings and Recommendations

### FY 2012 CONN-OSHA State Plan Abridged FAME Report

	inspections with violations cited, and percentage of inspections not-in-compliance with serious violations.																				
11-07	<b>Percent of Programmed Inspections with S/W/R Violations (SAMM #8)</b> — CONN-OSHA did not meet the national standard for health inspections for SAMM #8.	CONN-OSHA must meet the standard in SAMM #8 by the end of FY 2012.	The new full-time program manager will strive to assign more programmed inspections. This should increase the total number of violations cited and also the percentage of violations cited as Serious.	CONN-OSHA was successful in increasing the number of programmed inspections in FY 2012, and met the standards for S/W/R violations and Other-than-Serious Violations in FY 2012.  <table><tr><th colspan="3">SAMM #8 (FY 2012)</th></tr><tr><th></th><th>CONN-OSHA (%)</th><th>National Data (%)</th></tr><tr><td>Safety</td><td>67.35</td><td>58.5</td></tr><tr><td>Health</td><td>66.67</td><td>53.0</td></tr></table>	SAMM #8 (FY 2012)				CONN-OSHA (%)	National Data (%)	Safety	67.35	58.5	Health	66.67	53.0	Completed				
SAMM #8 (FY 2012)																					
	CONN-OSHA (%)	National Data (%)																			
Safety	67.35	58.5																			
Health	66.67	53.0																			
11-08	<b>Citations and Penalties</b> — CONN-OSHA’s lapse times from inspection to citation issuance do not compare favorably to the standards for SAMM #7.	By the end of FY 2012, CONN-OSHA must decrease its lapse times from inspection to citation issuance to align more closely with the standards for SAMM #7.	1. CONN-OSHA has hired a new manager who will work to improve lapse times. 2. The manager will meet individually with each CSHO to reinforce compliance with this measure. The citations pending report will be run and monitored on a weekly basis.	The corrective actions have been implemented and are ongoing. However, because CONN-OSHA’s lapse time averages have been trending upward since FY 2011, additional corrective actions should be developed and implemented by the State as soon as possible.  <table><tr><th colspan="4">SAMM #7 (FY 2011, FY 2012 &amp; FY 2013 Q.1)</th></tr><tr><th></th><th>FY 11</th><th>FY 12</th><th>FY 13 (Q. 1)</th></tr><tr><td>Safety</td><td>119.28</td><td>144.35</td><td>154.24</td></tr><tr><td>Health</td><td>48.88</td><td>150.10</td><td>151.21</td></tr></table>	SAMM #7 (FY 2011, FY 2012 & FY 2013 Q.1)					FY 11	FY 12	FY 13 (Q. 1)	Safety	119.28	144.35	154.24	Health	48.88	150.10	151.21	Open
SAMM #7 (FY 2011, FY 2012 & FY 2013 Q.1)																					
	FY 11	FY 12	FY 13 (Q. 1)																		
Safety	119.28	144.35	154.24																		
Health	48.88	150.10	151.21																		
11-09	<b>Citations and Penalties</b> — CONN-OSHA’s total number of violations cited in FY 2011 was	CONN-OSHA must increase the number of violations cited in FY 2012, and the	The new program manager will strive to assign more programmed inspections. This	CONN-OSHA was successful in increasing the number of programmed inspections in FY	Completed																

## Appendix C – Status of FY 2011 Findings and Recommendations

### FY 2012 CONN-OSHA State Plan Abridged FAME Report

	too low.	number of violations cited as Serious.	should increase the total number of violations cited as well as the percentage of Serious violations cited.	2012. CONN-OSHA cited 312 violations in FY2012 (which is 61 percent more than the total of 194 violations cited in FY 2011).	
11-10	<b>Citations and Penalties—</b> CONN-OSHA is <i>misclassifying</i> some Serious violations as Other-than-Serious. This results in CONN-OSHA having a much lower percentage of all violations classified as Serious compared to Federal OSHA.	CONN-OSHA must correctly classify violations so that its percentages for Serious and Other-than-Serious violations align more closely with Federal OSHA's percentages by the end of FY 2012. The CONN-OSHA managers and CSHO's must follow the guidelines in the FOM, Chapter 4, Violations, Section II, when classifying violations.	N/A	N/A	Closed
11-11	<b>Citations and Penalties—</b> CONN-OSHA has not classified any violations as Willful (and only one as Repeat) since at least FY 2005.	CONN-OSHA must align more closely with Federal OSHA's percentages for Willful (and Repeat) violations by the end of FY 2012. By the end of the third quarter, the CONN-OSHA manager should have a meeting with its CSHO's to explain the reasoning behind the use of Willful violations.	N/A	N/A	Closed
11-12	<b>Standards and Federal Program Changes--</b> CONN-OSHA was overdue in emailing responses for intention to adopt for some FPCs.	In FY 2012 and going forward, CONN-OSHA will inform Region I of its intent to adopt FPCs in a timely manner.	CONN-OSHA will inform Region I of its intent to adopt FPCs in a timely manner.	In FY 2012, CONN-OSHA was timely in informing the Region of its intent to adopt for all FPCs.	Completed
11-13	<b>Discrimination Case Files--</b> Case files were not organized in any consistent fashion.	CONN-OSHA should adopt the case file organization standards as outlined in the Federal Whistleblower Investigations Manual (Chapters 3 and 5). All	Because of the mediation and hearing aspects of Connecticut's procedures, there may be two files per Complainant. Connecticut will endeavor to follow the format outlined in the	According to the CAP, these corrective actions have been implemented and are completed. Region I will assess CONN-OSHA's progress in correcting this finding during the FY 2013	Awaiting verification

**Appendix C – Status of FY 2011 Findings and Recommendations**  
FY 2012 CONN-OSHA State Plan Abridged FAME Report

		investigators need to follow this format and investigators should be trained to adhere to these new standards. This will also facilitate oversight of CONN-OSHA's program in the future.	Federal Whistleblower Investigations Manual. The senior attorneys who conduct the majority of the mediations and hearings for CONN-OSHA whistleblower cases have been advised regarding this and, should other attorneys within the office be assigned a hearing on a Whistleblower case, Program Policy will ensure that proper training is conducted.	comprehensive onsite case file review.	
11-14	<b>Discrimination Case Files-</b> The Activity Log is handwritten and mostly illegible. This is problematic because CONN-OSHA does not conduct an investigation, nor does it submit an investigative report. Therefore, the only reference to what actually occurred in the case is the Activity Log.	For all discrimination cases open in FY 2012 and going forward, CONN-OSHA must ensure that Investigators' notes are legible. The activity log should be placed in a separate tab. This will aid in the organization of the case file, and make any FOIA requests more manageable.	Connecticut will ensure that all case notes are legible.	According to the CAP, these corrective actions have been implemented and are completed. Region I will assess CONN-OSHA's progress in correcting this finding during the FY 2013 comprehensive onsite case file review.	Awaiting verification
11-15	<b>Discrimination Case Files-</b> Investigators do not submit an Investigative Report. Because there is no summation of what occurred during the course of the mediation and/or hearing, it is difficult for a reviewer to evaluate the process and the outcome. None of the case files included determination letters.	For all discrimination cases open in FY 2012 and going forward, CONN-OSHA should write a Memo to File for each case to be retained in the case file, explaining the Complainant's allegations, the Respondent's defense, and the determination and reasoning for all settlements and/or dismissals.	Connecticut will draft a memo to the file upon completion of mediation proceedings, and, if applicable, a separate memo upon completion of administrative hearing procedures.	According to the CAP, these corrective actions have been implemented and are completed. Region I will assess CONN-OSHA's progress in correcting this finding during the FY 2013 comprehensive onsite case file review.	Awaiting verification
11-16	<b>Discrimination Case Files—</b> CONN-OSHA's classification of settled cases in IMIS is incorrect. Currently, CONN-OSHA	For all discrimination cases opened in FY 2012 and going forward, CONN-OSHA must adopt the same	Connecticut will address this in future cases when inputting information into IMIS.	According to the CAP, these corrective actions have been implemented and are completed. Region I will assess CONN-	Awaiting verification

## Appendix C – Status of FY 2011 Findings and Recommendations

### FY 2012 CONN-OSHA State Plan Abridged FAME Report

	considers cases that are settled without its participation as “settled” when in fact these cases should be classified as “settled other”. Conversely, CONN-OSHA designates cases that are settled during its mediation and/or hearing process as “settled other” when they should be classified as “settled.”	criteria for classifying settlement agreements in IMIS as Federal OSHA. Cases that are settled during the mediation and/or hearing process should be classified as “settled,” while cases that are settled between the parties without CONN-OSHA’s participation (i.e. during a grievance process, other agency process, private attorney), should be classified as “settled other.”		OSHA’s progress in correcting this finding during the FY 2013 comprehensive onsite case file review.	
11-17	<b>Discrimination Case Files</b> —In cases that were classified as “settled other,” there is no indication that CONN-OSHA reviewed the settlement agreement using the appropriate criteria. The files do not contain any information related to review of settlement agreements.	For all discrimination cases opened in FY 2012 and going forward, CONN-OSHA should document that it has reviewed “settled other” determinations to ensure that there is nothing repugnant to the Act.	Connecticut will strive to adopt this process.	According to the CAP, these corrective actions have been implemented and are completed. Region I will assess CONN-OSHA’s progress in correcting this finding during the FY 2013 comprehensive onsite case file review.	Awaiting verification
11-18	<b>Discrimination Case Files</b> —Settlement agreements were not included in the case file.	For all discrimination cases opened in FY 2012 and going forward, settlement agreements and determination letters must be retained in the case file.	This process was discussed with OSHA earlier in the year when federal OSHA Whistleblower training was conducted at the Connecticut Department of Labor. At that point, it was discussed that Connecticut would reference in the file that Connecticut would strive to review the “settled other” agreement to ensure no provisions were contained in the agreement that were repugnant to the Act. Obtaining the agreement could at times be	According to the CAP, these corrective actions have been implemented and are completed. Region I will assess CONN-OSHA’s progress in correcting this finding during the FY 2013 comprehensive onsite case file review.	Awaiting verification

## Appendix C – Status of FY 2011 Findings and Recommendations

### FY 2012 CONN-OSHA State Plan Abridged FAME Report

			problematic since parties settling outside of the Agency may not be willing, and are not required under Connecticut law, to provide a copy of the agreement when Connecticut is not a party to the agreement. Connecticut will follow-up on this aspect of the FAME with OSHA's Regional Office.		
11-19	<b>Discrimination Case Files</b> — The average lapse time for the three cases reviewed is 371 days, compared to the national average of 185 days for the same time period.	For all discrimination cases opened in FY 2012 and going forward, investigators should monitor pending open cases more closely to ensure that the cases are not neglected. CONN-OSHA explained that its two currently pending cases remain open at the request of the complainants, who are awaiting results of other agency investigations or the grievance processes. CONN-OSHA explained that hearings will be scheduled soon for each case.	Connecticut continues its current practice of monitoring cases to ensure the cases are not neglected. Cases have been postponed for lengthy periods of time at the request of the Complainant to facilitate global settlements when Complainants have parallel processes in other agencies, however Connecticut will strive to reduce the continued, lengthy requests and refer to hearing more expeditiously. Both of the above-referenced cases have been scheduled for hearing in October and November of this year.	According to the CAP, these corrective actions have been implemented and are ongoing. However, because the Region did not conduct a review of CONN-OSHA's case files, the corrective action with respect to monitoring of open cases and reducing lapse times has not been verified and no information has been provided as to whether cases have been referred to hearing more quickly.	Awaiting verification
11-20	<b>Discrimination Case Files</b> — CONN-OSHA's Whistleblower Program has been without a supervisor for three years.	CONN-OSHA should include a supervisory position for its Whistleblower Protection Program. Program oversight would alleviate many of the issues raised in this review.	CONN-OSHA's Whistleblower Program is processed through the Connecticut Labor Department's Office of Program Policy. While the Unit has been without a Director for several years, senior attorneys involved with the process prior to the Director's retirement remain	According to the CAP, these corrective actions have been implemented and are completed. However, the Department of Labor has been without a Director of Program Policy, the position that oversees the discrimination program, since 2009. Since that time, the duties of the program	Open

## Appendix C – Status of FY 2011 Findings and Recommendations

### FY 2012 CONN-OSHA State Plan Abridged FAME Report

			involved in the program at the current time. During this interim period, Connecticut has availed itself of the assistance of OSHA's Regional Office and greatly appreciates its valued suggestions.	have been conducted by its attorneys. Therefore, the recommendation that the Department of Labor hire a Director of Program Policy remains open.	
11-21	<b>Voluntary Compliance</b> —CONN-OSHA's Alliance documentation does not comply with requirements of OSHA's Alliance Directive of June 10, 2004, specifically Section XII, Program Requirements, D. Alliance Documentation 1 and 2.	By the end of FY 2012, CONN-OSHA must ensure that all Alliance documentation complies with OSHA's requirements. CONN-OSHA should review Alliance files periodically to ensure compliance.	CONN-OSHA will ensure that all Alliance documentation complies with OSHA's requirements and Alliance files will be reviewed periodically. CONN-OSHA will use the template provided in the directive. Intervention forms are being used to determine the number of participants trained, and Alliances will be posted on the CONN-OSHA website.	This corrective action has been implemented and is ongoing.	Observation
11-22	<b>Public Sector Consultation</b> —CONN-OSHA's public sector consultation program did not perform adequately in terms of identifying serious hazards in FY 2011, having identified 65, or only 14 percent of the total number of serious hazards that the program identified five years ago (in FY 2007).	CONN-OSHA must increase the number of hazards identified in FY 2012.	N/A	N/A	Closed
11-23	<b>Public Sector Consultation</b> —For "Average Number of Days between Consultation Closing Conference and Issuance of the Written Report" CONN-OSHA did not meet the 20-day standard for health visits.	CONN-OSHA must meet the standard for health visits by the end of FY 2012.	The new manager will reinforce the report turnaround time of 20 days with consultants. The written reports pending measure will be reviewed weekly with all consultants and the timeliness of report issuance will be emphasized.	The corrective action has been implemented and is ongoing. In FY 2012, CONN-OSHA's average number of days between the closing conference and issuance of the written report for health visits was 17.78 days, which was below the standard average of 20 days.	Complete

## Appendix C – Status of FY 2011 Findings and Recommendations

### FY 2012 CONN-OSHA State Plan Abridged FAME Report

11-24	<b>Program Administration</b> —The CSHO who completed one of the three PSM training courses in FY 2012 is not enrolled in the remaining two courses, and therefore will not have completed all three courses by the end of FY 2012. [CSHOs are required to complete all three courses in OTI's PSM training series before they are permitted to conduct PSM inspections independently or as a team leader.]	CONN-OSHA must ensure that the CSHO who completed Course #3300 in FY 2012 completes the remaining two courses by no later than FY 2013.	The CSHO referred to in the FAME has completed PSM Course #3300 in March 2012 and is enrolled in PSM Course #3400 in February 2013. The third PSM course will be scheduled in FY 2014.	This CSHO is not scheduled to complete the third course in the series until FY 2014.	Open
11-25	<b>Program Administration</b> —CONN-OSHA's SIEP does not focus on key enforcement issues that the Plan needs to address.	CONN-OSHA must develop a SIEP for FY 2013 that addresses key areas of concern such as violation classification, fatality investigation procedures, and exploring potential willful violations.	As the FAME indicates, CONN-OSHA meets the SIEP requirement outlined in the State Plan Policies and Procedures Manual. CONN-OSHA will work with Region I to modify its SIEP.	CONN-OSHA did not work to develop a new SIEP in FY 2012. In FY 2013, Region I has recommended that CONN-OSHA broaden its SIEP to include analyses of more enforcement-related operations because only one of the three elements evaluated in the current SIEP relate to the State's public-sector enforcement program.	Open
11-26	<b>Annual Performance Plan</b> —CONN-OSHA did not meet its annual goal for inspections in FY 2011.	In FY 2012, CONN-OSHA must meet its goal for inspections.	The new full-time manager will closely monitor the activities of field staff. CONN-OSHA expects to meet projected goals in the future.	CONN-OSHA completed only 151 of 230 inspections projected in FY 2012. The new manager is working to ensure that CONN-OSHA achieves its goal of 190 inspections in FY 2013.	Open
11-27	<b>Annual Performance Plan</b> —CONN-OSHA did not meet its annual goal for public sector consultation visits in FY 2011.	In FY 2012, CONN-OSHA must meet its goal for public sector consultation visits.	N/A	N/A	Closed



## Appendix D - FY 2012 State Activity Mandated Measures (Samm) Report

### FY 2012 Connecticut State Plan Abridged FAME Report

NOV 09, 2012  
RID: 0150900

MEASURE	From: 10/01/2011		CURRENT		REFERENCE/STANDARD
	To: 09/30/2012		FY-TO-DATE		
1. Average number of days to initiate Complaint Inspections	565		49		Negotiated fixed number for each state
	14.12		12.25		
	40		4		
2. Average number of days to initiate Complaint Investigations	23		0		Negotiated fixed number for each state
	4.60				
	5		0		
3. Percent of Complaints where Complainants were notified on time	36		4		
	100.00		100.00		100%
	36		4		
4. Percent of Complaints and Referrals responded to within 1 day -ImmDanger	5		0		
	100.00				100%
	5		0		
5. Number of Denials where entry not obtained	0		0		0
6. Percent of S/W/R Violations verified					
Private	0		0		
	0		0		100%
Public	131		10		
	100.00		100.00		100%
	131		10		
7. Average number of calendar days from Opening Conference to Citation Issue					
Safety	9239		2344		2032800
	144.35		146.50		55.9
	64		16		36336
	4503		1240		647235
Health	150.10		155.00		67.9
	30		8		9527

0\*CT FY12

\*\*PRELIMINARY DATA SUBJECT TO ANALYSIS AND REVISION

## Appendix D - FY 2012 State Activity Mandated Measures (SAMM) Report

### FY 2012 Connecticut State Plan Abridged FAME Report

MEASURE	From: 10/01/2011 To: 09/30/2012		CURRENT FY-TO-DATE	REFERENCE/STANDARD	
8. Percent of Programmed Inspections with S/W/R Violations					
	35		11	76860	
Safety	67.31		64.71	58.5	National Data (3 years)
	52		17	131301	
	8		4	9901	
Health	66.67		80.00	53.0	National Data (3 years)
	12		5	18679	
9. Average Violations per Inspection with Violations					
	144		41	367338	
S/W/R	1.53		1.70	2.1	National Data (3 years)
	94		24	175950	
	168		43	216389	
Other	1.78		1.79	1.2	National Data (3 years)
	94		24	175950	
10. Average Initial Penalty per Serious Violation (Private Sector Only)	0		0	624678547	
				1990.5	National Data (3 years)
	0		0	313826	
11. Percent of Total Inspections in Public Sector	151		5	332	
	100.00		100.00	100.0	Data for this State (3 years)
	151		5	332	
12. Average lapse time from receipt of Contest to first level decision	0		0	3197720	
				187.0	National Data (3 years)
	0		0	17104	
13. Percent of 11c Investigations Completed within 90 days*	0		0		
	.00			100%	
	1		0		
14. Percent of 11c Complaints that are Meritorious*	1		0	1619	
	100.00			23.4	National Data (3 years)
	1		0	6921	
15. Percent of Meritorious 11c Complaints that are Settled*	1		0	1444	
	100.00			89.2	National Data (3 years)
	1		0	1619	

\*Note: Discrimination measures have been updated with data from SAMM reports run on 1/3/2013

0\*CT FY12

\*\*PRELIMINARY DATA SUBJECT TO ANALYSIS AND REVISION

**Appendix E - State OSHA Annual Report (SOAR)**  
FY 2012 Connecticut State Plan Abridged FAME Report

*[Available Upon Request]*